

STAFF REPORT

November 7, 2002

No. 02RZ052 - Rezoning from No Use District to Office Commercial District

ITEM 27

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02RZ052 - Rezoning from No Use District to Office Commercial District
EXISTING LEGAL DESCRIPTION	The east 710 feet of NE1/4 NE1/4 less a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 17.8 acres
LOCATION	East of Elk Vale Road and north of Degeest Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (County)/Neighborhood Commercial District (City)
South:	Limited Agriculture District (County)
East:	Suburban Residential District (County)
West:	Public District (City)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	09/02/2002
REPORT BY	Karen Bulman

RECOMMENDATION: **The Future Land Use Committee** recommends that the rezoning from No Use Zoning District to Office Commercial Zoning District be **approved in conjunction with a Planned Development Designation.**

GENERAL COMMENTS: **This item was continued at the September 26, 2002, October 10, 2002, and October 24, 2002 Planning Commission meetings. New or revised text is shown in bold print. The property owner had requested to meet with the Future Land Use Committee regarding the rezoning of this property. The Future Land Use Committee met on October 25, 2002 and recommended approval of rezoning the subject property from No Use District to Office Commercial Zoning District with a Planned Development Designation, consistent with the Elk Vale Neighborhood Future Land Use Map.** This property is located east of Elk Vale Road, north of Degeest Street and west of Reservoir Road. The property was annexed into the City of Rapid City effective May

STAFF REPORT

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15, 2002, and is currently in a No Use Zoning District. The No Use Zoning District is a temporary zoning designation utilized when property is annexed into the City of Rapid City, pursuant to the provisions of Section 17.26.020 of the Rapid City Municipal Code. The purpose of this application is to complete that process.

STAFF REVIEW: Staff has reviewed this proposed rezoning **for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1).** A summary of staff findings are outlined below:

1. **The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.**

The subject property was annexed into the City on May 15, 2002. All annexed lands are temporarily placed in the No Use Zoning District. The recent annexation of the property constitutes the changing condition requiring rezoning of the property.

2. **The proposed zoning is consistent with the intent and purposes of this ordinance.**

The property located to the north of the subject property is zoned Neighborhood Commercial District with a Planned Development Designation in Rapid City and General Agriculture District by Pennington County. The property to the south of the subject property is zoned Limited Agriculture District by Pennington County. The property located to the east of the subject property is zoned Suburban Residential District by Pennington County. The property located to the west of the subject property is zoned Public District. The Elk Vale Neighborhood Future Land Use Plan identifies the subject property as appropriate for Office Commercial land use(s) with a Planned Development Designation. Designating the property as Office Commercial Zoning District with a Planned Development Designation appears to be consistent with the Elk Vale Neighborhood Future Land Use Plan and the appropriate zoning district for the property.

3. **The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.**

The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

4. **The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street plan, Land Use Plan and Community Facilities Plan.**

The Elk Vale Neighborhood Future Land Use Plan for this area identifies the subject property as appropriate for Office Commercial land use with a Planned Development Designation.

STAFF REPORT

November 7, 2002

No. 02RZ052 - Rezoning from No Use District to Office Commercial District **ITEM 27**

Staff has mailed certified letters to notify surrounding property owners of the proposed rezoning and has posted the required sign on this property. As of this date, staff has received **three inquiries, but no** objections regarding this request.