

STAFF REPORT

March 25, 2004

No. 04RZ007 - Rezoning from No Use District to General Commercial District **ITEM 23**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 04RZ007 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The south 200 feet of Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	East of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	NA
DATE OF APPLICATION	02/27/2004
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved in conjunction with the Planned Development Designation.

GENERAL COMMENTS: This property is located east of Elk Vale Road and north of E. Anamosa Street. A voluntary annexation of the subject property (03AN006) was completed July 22, 2003. The subject property is the location of a utility substation. An 11-6-19 Review (04SR003) was approved by the Planning Commission on March 4, 2004 to allow a substation control house to be enlarged. The Elk Vale Neighborhood Future Land Use Plan indicates that the south 200 feet of the subject property is appropriate for General Commercial land use with a Planned Commercial Development. The north 200 feet of the property is identified on the Elk Vale Neighborhood Future Land Use Plan as appropriate for Medium Density Residential land use(s) with a Planned Residential Development. A proposed north/south road linking E. Philadelphia Street with Twilight Drive bisects the property in an east/west direction. Rezoning the north 200 feet of the subject property will be a future rezoning application in conjunction with other parcels in the area that were

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annexed in July 2003. A Planned Development Designation (04PD011) has been submitted in conjunction with this rezoning application.

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.*

A voluntary annexation of the subject property (03AN006) was completed on July 22, 2003. All annexed lands are temporarily placed in a 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.*

General Commercial Zoning District is intended to provide a place for personal and business services and the general retail business of the city. The subject property is located adjacent to Elk Vale Road, a principal arterial road. A utility substation is currently located on the property. This is a permitted use in the General Commercial Zoning District. Based on the location of the property adjacent to Elk Vale Road, the area will likely serve the general business and service needs of the community.

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.*

Staff is unaware of any significant adverse effects that will result from the proposed rezoning. The Planned Development Designation recommended as a stipulation of approval will provide additional protections for surrounding land uses.

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 Comprehensive Plan identifies the subject property as appropriate for General Commercial land use(s) with a Planned Commercial Development. Rezoning this property from No Use District to General Commercial District with the related Planned Development Designation appears to be consistent with the adopted Comprehensive Plan.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

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