

STAFF REPORT
March 24, 2005

No. 05RZ011 - Rezoning from No Use District to General Commercial District **ITEM 44**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 05RZ011 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot H7 in the SW1/4 of Section 27 and Lot H1 in Tract B in the NE1/4 SW1/4 of Section 27, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.97 Acres
LOCATION	South of I-90 at Exit 61
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District (City) - Heavy Industrial District (Pennington County) - Box Elder
South:	No Use
East:	Railroad Right-of-Way
West:	Railroad Right-of-Way
PUBLIC UTILITIES	NA
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Karen Bulman / Curt Huus

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be **approved in conjunction with the approval of the associated Comprehensive Plan Amendment.**

GENERAL COMMENTS: **This staff report has been revised as of March 15, 2005. All revised and/or added text is shown in bold print.** This property contains approximately 3.94 acres and is located south of I-90 at Exit 61 and east of Elk Vale Road. The Dakota Minnesota & Eastern Railroad right-of-way is located on this property. The property located south of the subject property is zoned General Commercial District **and No Use District.** The property located east **and west** of the subject property is **railroad right-of-way.** **The property located north of the subject property is zoned General Commercial District, Heavy Industrial District by Pennington County, and Box Elder City limits.** The subject property was annexed into the City effective May 4, 2003 and placed 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

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17.26.020 of the Rapid City Municipal Code. The purpose of this application is to complete that process.

STAFF REVIEW: The subject property is included on the City's Comprehensive Plan and the Elk Vale Neighborhood Land Use Plan as right-of-way only. A Comprehensive Plan Amendment to include this parcel of property in the Elk Vale Neighborhood Land Use Plan as appropriate for General Commercial land uses will be submitted. As such, staff is recommending that the rezoning of the subject property from No Use District to General Commercial District be continued to the March 24, 2005 Planning Commission meeting to allow the rezoning to be heard in conjunction with the Comprehensive Plan Amendment. **A Comprehensive Plan Amendment (05CA016) to include this property in the Elk Vale Neighborhood Area Future Land Use Plan has been submitted in conjunction with this rezoning request.**

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 was effective May 4, 2003. All annexed lands are temporarily placed in the No Use Zoning District. The 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 General Commercial Zoning District is for personal and business services and the general retail business of the city. The adjacent property to the south is zoned General Commercial. When rights-of-way are annexed into the City limits and subsequently rezoned, the City rezones the right-of-way with the same designation of the adjacent property. As the subject property is railroad right-of-way, the proposed zoning is consistent with our policy.

- 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.*

Because of the existing zoning of the adjacent lands, this 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.*

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As railroad right-of-way, the subject property was not identified with a land use on the City's Comprehensive Plan. A Comprehensive Plan Amendment to include this area in the Elk Vale Neighborhood Area Future Land Use Plan has been submitted in conjunction with this rezoning. The Amendment identifies the subject property as appropriate for General Commercial land uses.

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 two inquiries but no objections regarding this request.