

STAFF REPORT  
July 7, 2005

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**No. 05RZ044 - Rezoning from No Use District to General Commercial District**      **ITEM 31**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 05RZ044 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot C, NE1/4 NW1/4, and Lot X of Lot B, NE1/4 NW1/4, all of Johnson School Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .36 acres
LOCATION	At the southwest corner of the intersection of School Drive and Elk Vale Road and adjacent to East Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	General Agriculture District
East:	Light Industrial District (Planned Light Industrial Development)
West:	General Commercial District (City) - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/15/2005
REVIEWED BY	Karen Bulman / Dave Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved.

GENERAL COMMENTS: This developed property contains approximately .36 acres and is located north of South Dakota Highway 44 East at the southwest corner of the intersection of School Drive and Elk Vale Road intersection. The property was annexed into the City limits effective May 24, 2005 and is zoned No Use District. Land located north of the subject property is zoned Suburban Residential District by Pennington County. Land located south of the subject property is zoned General Agriculture District. Land located east of the subject property is zoned Light Industrial District with a Planned Light Industrial Development. Land located west of the subject property is zoned General Commercial District by Rapid City and Suburban Residential District by Pennington County.

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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 (05AN003) was effective May 24, 2005. 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 eastern most boundary of the subject property is located adjacent to the Southeast Connector Road and the bridge over South Dakota Highway 44 East, and a continuation of the Southeast Connector Road is located south of the subject property. School Drive is located north of the subject property. Property located north of School Drive is zoned Suburban Residential Zoning District by Pennington County. Prior to the construction of the bridge, the property was owned by the Rapid Valley Sanitary District and zoned General Commercial District by Pennington County. The Comprehensive Plan identifies the subject property as appropriate for commercial land uses. The subject property is located adjacent to South Dakota Highway 44 East, a principal arterial street. General Commercial Zoning Districts are located along South Dakota Highway 44 East west of the subject property. The proposed rezoning of this property to General Commercial District is a continuation of commercial uses along a principal arterial street and appears to be consistent with the intent of this ordinance.

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.*

Access to the property will be from School Drive with further access to South Dakota Highway 44 East, a Principal Arterial Road on the Major Street Plan. The street network will accommodate any traffic resulting from the commercial business. The property is located within the Rapid Valley Sanitary District and has water and sewer. The proposed zoning is consistent with the data from the Unnamed Tributary Drainage Basin Plan. The proposed 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 Area Future Land Use Plan identifies this area as appropriate for general commercial land uses. Rezoning the subject property from No Use District to

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General Commercial District is consistent with the 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 July 7, 2005 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.

Staff recommends that the Rezoning from No Use District to General Commercial District be approved.