

STAFF REPORT
January 4, 2007

No. 06RZ048 - Rezoning from No Use District to General Commercial District **ITEM 25**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ048 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	All of the dedicated right-of-way adjacent to the westerly boundary of Lot A-revised, formerly Lot A of Plat 1, located in the NW1/4 of the SW1/4, lying south of the Railroad Right-of-way, located in the NW1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	South of the intersection of East S.D. Highway 44 and Jolly Lane
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	Suburban Residential District (Pennington County)
East:	General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	NA
DATE OF APPLICATION	9/28/2006
REVIEWED BY	Rodney Proffitt / Todd Peckosh

RECOMMENDATION:

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

GENERAL COMMENTS:

Jolly Lane is an existing roadway located south of East S.D. Highway 44. The subject property contains less than one acre. The subject property was annexed into the City of Rapid City effective December 3, 2004 (04AN012) at the request of Pennington County. Property located north and east of this property is zoned General Commercial District. Property located west of the subject property is zoned Low Density Residential District. Property located south of the subject property, not including other segments of this roadway, is outside the corporate limits of

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the City and is zoned Suburban Residential District. Applications to rezone other portions of Jolly Lane in conjunction with this application (06RZ052, 06RZ063 and 06RZ064) are pending.

This request will change the present zoning from No Use District to General Commercial District.

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 December 3, 2004. Upon annexation, the property was designated as "No Use" District. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use District to General Commercial District.

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

The General Commercial Zoning District is intended to be used for personal and business services, and general retail development. The subject property is located in an area with active new residential development, but an existing retail business is located on adjacent property and much of the East S.D. Highway 44 corridor is zoned as General Commercial Zoning District. The subject property is located adjacent to General Commercial Zoning District.

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.*

Jolly Lane is an existing roadway recognized in the Long Range Transportation Plan as a collector street. The subject property is located adjacent to General Commercial Zoning District and Low Density Residential Zoning District. It is important for cities to classify areas of the city as appropriate for general commercial use. Staff has not identified any significant adverse effects that would result by rezoning the subject property from No Use District to General Commercial District.

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.*

Jolly Lane is an existing roadway recognized in the Long Range Transportation Plan as a collector street. The proposed rezoning is in keeping with adjacent existing land uses. The requested rezoning does not appear to conflict with the Comprehensive Long Range Land

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Use Plan.

The required sign was posted on the property on December 13, 2006. The green card receipts from the certified mailing have not been returned as of this writing. Staff will notify the Planning Commission at its meeting on January 4, 2007 if the receipts have not been returned prior to the meeting.

Staff recommends the application for rezoning of the subject property from No Use District to General Commercial District be approved.