

STAFF REPORT  
July 10, 2008

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**No. 08RZ023 - Rezoning from No Use District to General Commercial District**      **ITEM 29**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Vabco, LLP
REQUEST	<b>No. 08RZ023 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot 1A of Lot 1 Revised of Prairie Hills Subdivision and the 50 foot Section Line Right-of-way called Maple Avenue lying west of and adjacent to Lot 1A of Lot 1 Revised of Prairie Hills Subdivision, all in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.99 acres
LOCATION	300 East Mall Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Commercial District
East:	General Agriculture District (Pennington County) - General Commercial District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City Water and on site septic
DATE OF APPLICATION	6/13/2008
REVIEWED BY	Karen Bulman / Karley Halsted

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

GENERAL COMMENTS: This developed property contains approximately 2.99 acres and is located at 300 East Mall Drive at the terminus of Maple Avenue. The property was annexed effective June 9, 2008 (#07AN004). The property is currently zoned No Use District. The property located north and east of the property is zoned General Agriculture District by Pennington County. The property located west of the property is zoned General Commercial District with a Planned Commercial Development. The property located south

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of the property is zoned General Commercial District. The property is the location of a painting contractor business.

STAFF REVIEW: The property is identified on the adopted Northeast Area Neighborhood Future Land Use Plan as appropriate for General Commercial land uses with a Planned Commercial Development. The property owner concurs with the recommendation to rezone this property as General Commercial District with a Planned Development Designation.

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 property has been annexed into the City limits (#08AN004) and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This developed property is located at 300 East Mall Drive.

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. Service establishments are a permitted use within the General Commercial Zoning District. Several storage buildings and an office building for the business are located on this site. Any future development of the property will require a Planned Commercial Development. General Commercial District in conjunction with a Planned Development Designation is 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.*

The property is located in an area that is adjacent to General Commercial Districts and General Agriculture Districts. The City is currently extending a water main along East Mall Drive. Water to this property is currently provided through the use of a water cistern. The property owner has indicated an interest in the future connection to City water, located in E. Mall Drive. An existing septic system is located on the property. The North Maple Avenue extension, identified as a proposed collector street on the City's Major Street Plan, is located adjacent to the property along the west lot line. Staff is not aware of any significant adverse effects that would result from 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.*

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The Adopted Northeast Area Neighborhood Future Land Use Plan indicates that this area is appropriate for General Commercial land uses with a Planned Commercial Development. A Planned Development Designation (#08PD026) has been submitted and approved in conjunction with the effective rezoning of this property. Future development of this property will require a Planned Commercial Development. Rezoning the subject property from No Use District to General Commercial District appears to be appropriate.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 10, 2008 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.