

STAFF REPORT

July 10, 2008

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**No. 08RZ024 - Rezoning from No Use District to General Commercial District**      **ITEM 16**

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GENERAL INFORMATION:

APPLICANT	Paul Bradsky for Atlantis, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ralph D. Newman
REQUEST	<b>No. 08RZ024 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract E of W-Y Addition located in the W½ SW¼, Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining</p>

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	railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 03°16'03", an arc length of 323.90 feet, and a chord bearing and distance of S64°07'04"W 323.86 feet more or less, to the point of beginning
PARCEL ACREAGE	Approximately 1.28 acres
LOCATION	South of 4301 South Interstate 90 Service Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Box Elder
South:	General Commercial District
East:	Box Elder
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/10/2008
REVIEWED BY	Karen Bulman / Ted Johnson

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

**GENERAL COMMENTS:** This undeveloped property contains approximately 1.28 acres and is located south of 4301 South Interstate 90 Service Road. The property was annexed effective April 28, 2008 (#08AN001). The property is currently zoned No Use District. The property located north and east of the property is in Box Elder City limits. The property located south and west of the property is zoned General Commercial District. The property is currently undeveloped.

The Adopted Comprehensive Plan indicates that this property is appropriate for Light Industrial land uses. An application for a Comprehensive Plan Amendment to change the land use from Light Industrial to General Commercial (#08CA024) 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.*

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The property has been annexed into the City limits (#08AN001) and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is located south of property at 4301 South Interstate 90 Service Road.

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. A large motel complex is located west and adjacent to this property. Commercial properties are located south of the property. General Commercial District appears to be an appropriate zoning district for this property.

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 the City of Box Elder. City sewer and water are located west of the property and will need to be extended with any further development. The property is proposed to be an extension of the motel property to the west. 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.*

The Adopted Comprehensive Land Use Plan indicates that this area may be appropriate for Light Industrial land uses. A Comprehensive Plan Amendment to change the land use from Light Industrial to General Commercial (#08CA024) has been submitted in conjunction with this rezoning application. Rezoning the subject property from No Use District to General Commercial District in conjunction with the Comprehensive Plan Amendment 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 these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.