

STAFF REPORT
January 22, 2009

No. 08RZ055 - Rezoning from General Agriculture District to General Commercial District **ITEM 32**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08RZ055 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot 1 of Wally Byam Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.6 acres
LOCATION	Southeast of the intersection of South Dakota Highway 44 and Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/26/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with a Planned Development Designation.

GENERAL COMMENTS: The applicant has submitted a Rezoning request to change the zoning designation of the property from General Agriculture District to General Commercial District. The property is located southeast of the intersection of South Dakota Highway 44 and Elk Vale Road. Currently, the property is void of any structural development. An application for a Planned Development Designation (#08PD069) for the property has been submitted.

The property is currently zoned General Agriculture District. Land located north of the property is zoned General Commercial District with a Planned Commercial Development. Land located south, east and west of the property is zoned General Agriculture District.

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STAFF REVIEW: Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

The property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. The Southeast Connector Future Land Use Plan indicates that this property is appropriate for General Commercial land uses with a Planned Commercial Development. The recent platting of the property is the changing condition that supports the rezoning of the property at this time.

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

The General Commercial Zoning District is intended to provide areas for personal and business services and the general retail business of the city. The Southeast Connector Future Land Use Plan indicates that this property is appropriate for General Commercial uses with a Planned Commercial Development. The property is located south of S. D. Highway 44 and adjacent to commercially zoned property. Due to the existing zoning of the adjacent property and the accessibility to S.D. Highway 44 and the Southeast Connector, the rezoning would appear to be consistent with the intent and purposes 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 amendment.*

The property is located south of S.D. Highway 44 with access to the property from Lytle Lane. The property is located within the Rapid Valley Sanitary District and water and sewer will need to be extended with any future development. The property is located adjacent to a General Commercial Zoning District on the north and General Agriculture Zoning Districts on the south, east and west. The additional review provided by a Planned Commercial Development process will insure that any possible adverse impacts of development are adequately mitigated. Based on the provision of a Planned Development overlay, no significant adverse impacts that will result from the requested rezoning have been identified.

4. *The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The Major Street Plan identifies S.D. Highway 44 as a principal arterial street. The property is located within the 500 year floodplain. The adopted Rapid City Floodplain Development Policy indicates that only the properties located downstream from Chapel Lane Road Bridge and within the 100 year floodplain are required to be zoned Flood Hazard District. The Southeast Connector Future Land Use Plan identifies the property as appropriate for a General Commercial with a Planned Commercial Development land use. The amendment to rezone this property from General Agriculture District to General Commercial District is in

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compliance with the Southeast Connector Future Land Use Plan.

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 January 22, 2009 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.