

STAFF REPORT
January 22, 2009

No. 08RZ056 - Rezoning from No Use District to General Commercial District **ITEM 33**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Hagg Brothers, LLC
REQUEST	No. 08RZ056 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The unplatted portion of the N1/2 N1/2 N1/2 N1/2 N1/2 W1/2 SW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 acres
LOCATION	South of Sammis Trail and east of U.S. Highway 16
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Highway Services District (Pennington County) - General Agriculture District (Pennington County)
East:	General Agriculture District
West:	Highway Services District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/26/2008
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 undeveloped property contains approximately 1.5 acres and is located south of Sammis Trail and east of U.S. Highway 16 and includes the southern portion of Sammis Trail. The property was annexed into the City limits (#08AN010) effective September 25, 2008. The property is currently zoned No Use District. Land located north of the property is zoned General Commercial District with a Planned Commercial Development. Land located east of the property is zoned General Agriculture District. Land located south of the property is zoned Highway Services District and General Agriculture District by Pennington County. Land located west of the property is zoned Highway Services District by Pennington County.

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An application for a Planned Development Designation (#08PD069) for the property has been submitted.

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 property has been annexed into the City limits (#08AN010) and temporarily placed in a No Use Zoning District. All annexed lands are temporarily designated as a 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 intended to provide areas for personal and business services and the general retail business of the city. Prior to annexation, the property was zoned General Agriculture District and Highway Service District by Pennington County. The property owner also owns the property located north of Sammis Trail and the northern portion of Sammis Trail, all currently zoned General Commercial with a Planned Commercial Development. Future development of the subject property is contemplated in conjunction with the development of the property located north of Sammis Trail. U. S. Highway 16 is located adjacent and west of the property. Commercial properties are located to the north and a portion of the land south of the property is zoned Highway Services District by Pennington County. As such, 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.*

Access to the property will be from Sammis Trail, a proposed principal arterial street on the City's Major Street Plan. The property is located adjacent to general commercial uses. City sewer and water are located in U.S. Highway 16, approximately 1400 feet away and will need to be extended in conjunction with any future development.

The applicant has submitted a Planned Development Designation (#08PD069) for this property. The additional review provided by a Planned Commercial Development process will insure that any possible adverse impacts of development are adequately mitigated. No significant adverse impacts that will result from the requested rezoning have been identified.

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 property is located adjacent to U.S. Highway 16, a principal arterial on the City's Major Street Plan, and Sammis Trail, a proposed arterial street on the City's Major Street Plan. Water and sewer will need to be extended from U. S. Highway 16 as development occurs. The Adopted Comprehensive Land Use Plan currently indicates that this area is appropriate for General Commercial land uses with a Planned Commercial Development. Rezoning the subject property from No Use District to General Commercial District in conjunction with the Planned Development Designation 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 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.