

STAFF REPORT
February 19, 2009

No. 09RZ003 - Rezoning from No Use District to General Commercial District **ITEM 18**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNERS	Don & Steve Neumiller d/b/a DS&S Investments and Pennington County Drainage Commission
REQUEST	No. 09RZ003 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the portion of Lot E of the NE1/4 NW1/4 lying north of the highway right-of-way for access to Interstate Highway No. 90 Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.79 acres
LOCATION	3030 and 3086 East Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Right-of-way
East:	General Commercial District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	1/9/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: The Future Land Use Committee recommends that the Rezoning from No Use District to General Commercial District be **approved for the following revised legal description:**

Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the portion of Lot E of the NE1/4 NW1/4 lying north of the highway right-of-way for

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access to Interstate Highway No. 90 Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, less the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

GENERAL COMMENTS: This staff report has been revised as of February 6, 2009. All revised and/or added text is shown in bold print. This application was continued to the February 19, 2009 Planning Commission meeting to review the future land uses in the area. This developed property contains approximately 2.79 acres and is located at 3030 and 3086 E. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north, east and west of the property is zoned No Use District. Land located south of the property is the right-of-way for S. D. Highway 44.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land uses. Currently, a vehicle repair establishment is located on the southern property and a drainage channel owned by Pennington County is located on the northern property. **The Future Land Use Committee has requested that the drainage channel owned by the Pennington County Drainage Commission be rezoned to Public District. As such, the rezoning of the drainage property is removed from this rezoning and will be addressed in a future application. (Revised 2-6-09)**

STAFF REVIEW: The Future Land Use Committee will be reviewing the zoning designation for the drainage area on the northern property at their January 29, 2009 meeting. Staff requests that this rezoning application be continued to the February 19, 2009 Planning Commission meeting in order to review the future land uses in the area. **The Future Land Use Committee reviewed the drainage area on the northern property and determined that the appropriate land use for that property is public. As such, that property is being removed from this request and an application will be submitted in the future to rezone the property from No Use District to Public District.**

The Future Land Use Committee has reviewed the 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 those 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 (#08AN007) 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

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property was zoned General Commercial District by Pennington County. A vehicle repair establishment is located on the property. All body and/or mechanical repair work is currently done within an enclosed area. All inoperable vehicles are to be stored within a building or within a side or rear yard which is screened with an opaque fence at least six feet in height. S.D. Highway 44 is located adjacent and south of the property. Commercial properties are located to the east, west and north of the property. 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 is from S.D. Highway 44, a principal arterial street on the City's Major Street Plan through a private lane located adjacent and west of the property. Access to S.D. Highway 44 from the private lane is at the location of a traffic light at the St. Patrick Street/S.D. Highway 44 intersection, located south of the property. The property is located adjacent to general commercial uses. The property is located within and served by the Rapid Valley Sanitary District. 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.*

The property is located adjacent to S.D. Highway 44, a principal arterial on the City's Major Street Plan. The Adopted Elk Vale Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses. Rezoning the property from No Use District to General Commercial District is consistent with the adopted Comprehensive Plan.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The landowner has been contacted and concurs with the General Commercial Zoning District designation of their property. The Future Land Use Committee recommends that the rezoning from No Use District to General Commercial District for the revised legal description be approved. (Revised 2-6-09)