

STAFF REPORT
February 19, 2009

No. 09RZ006 - Rezoning from Light Industrial District to General Commercial District **ITEM 21**

GENERAL INFORMATION:

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| APPLICANT/AGENT | Frank Boyle |
| PROPERTY OWNER | Frank Boyle |
| REQUEST | No. 09RZ006 - Rezoning from Light Industrial District to General Commercial District |
| EXISTING LEGAL DESCRIPTION | Lot 3 of Lot D of K-W Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 5.0 acres |
| LOCATION | 3637 Edwards Street |
| EXISTING ZONING | Light Industrial District |
| SURROUNDING ZONING | |
| North: | General Commercial District |
| South: | General Commercial District |
| East: | Light Industrial District |
| West: | General Commercial District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 1/23/2009 |
| REVIEWED BY | Vicki L. Fisher / Ted Johnson |

RECOMMENDATION:

Staff recommends that the Rezoning from Light Industrial District to General Commercial District be approved.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the property from Light Industrial District to Office Commercial District.

The property was annexed into the City limits on September 12, 1986 and subsequently, zoned Light Industrial District.

The property is located approximately 600 feet west of the intersection of N. Elk Vale Road and Edwards Street on the south side of Edwards Street. Currently, an approximate 10 foot by 14 foot portable commercial structure is located on the property. To date, a building permit has not been obtained for the structure. The applicant has indicated that the

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structure will be removed from the property before City Council action on this item. Staff will inspect the site to insure that the structure is removed as proposed. The applicant also has the option of obtaining a building permit for the structure.

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 was annexed into the City limits on September 12, 1986 and, subsequently, zoned Light Industrial District. Since then, this area has been a mix of industrial and commercial uses. A large motel is currently being constructed on the property located directly east of this site. City sewer is also being constructed north of the property along Interstate 90 right-of-way and along a portion of Edwards Street to serve the motel and the surrounding properties. With the extension of City sewer into the area and the on-going commercial development within the area, the area is experiencing changing conditions to support rezoning the property from industrial to general commercial land uses.

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. As previously indicated, a large motel is currently being constructed on the lot located east of this property. Additional commercial properties are located north and south of the site. As such, General Commercial District appears to be an appropriate zoning district for this property. Subsequently, the proposed zoning is 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 an amendment.*

The properties located west, north and south of this site are currently zoned General Commercial District. City water is currently located north of the property and City sewer is currently being constructed north of the property. Future development of the property will require that utilities be extended to serve the property. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from Light Industrial District to General Commercial District.

Even though City sewer is currently being constructed directly north of this site, the applicant should be aware that on December 1, 2008, the City Council approved a moratorium on new service connections to the new sewer main until 30 days from the time the City accepts the sewer main. As of this writing, construction of the sewer main is not complete nor has the City accepted the project.

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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 Future Land Use Plan indicates that this property is appropriate for general commercial land uses. As such, rezoning the property as proposed is consistent with the adopted Future Land Use Plan.

Notification Requirement: The sign has been posted on the property. However, as of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at their February 19, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any calls of inquiry regarding this item.