

STAFF REPORT
March 5, 2009

No. 09RZ011 - Rezoning from No Use District to General Commercial District **ITEM 20**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Pennington County Drainage Commission/Don and Steve Neumiller d/b/a DS&S Investments
REQUEST	No. 09RZ011 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The 20 foot wide private lane located adjacent and west of the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and located adjacent to and west of 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
PARCEL ACREAGE	Approximately 0.23 acres
LOCATION	3030 East Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Right-of-way
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/6/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved.

GENERAL COMMENTS: This property contains approximately 0.23 acres and is located at 3030 East Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located west and east of the property is zoned General Commercial District. Land located north of the property is zoned No Use District. S.D. Highway 44 right-of-way is located directly south of the property.

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The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land uses. This property is a 20 foot wide private lane used by adjacent properties. The private lane is identified on the plat of the adjacent property, Tract C of Section 4, but the private lane was not identified in the legal description for the rezoning of the adjacent property. The rezoning of the adjacent property from No Use District to General Commercial District was approved at the February 19, 2009 Planning Commission meeting.

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 (#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 property was zoned General Commercial District by Pennington County. Previously, the adjacent property was rezoned from No Use District to General Commercial District, but the 20 foot wide private lane was not included in the legal description. As such, the rezoning of the private lane is proposed to be consistent with the zoning of the adjacent zoning. S.D. Highway 44 is located adjacent and south of the property. General Commercial District Zoning appears to be the appropriate zoning 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 S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The property is located adjacent to general commercial land uses. The property is located within 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 Adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for General Commercial land uses. Rezoning the subject property from No Use

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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 but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 5, 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.

Staff recommends that the rezoning from No Use District to General Commercial District be approved.