

STAFF REPORT

March 4, 2010

No. 10RZ007 - Rezoning from No Use District to General Commercial District **ITEM 19**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	S. D. Department of Transportation
REQUEST	No. 10RZ007 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lots 6 and 7 less Lot H1 of Block 2 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.02 acres
LOCATION	Adjacent to Elk Vale Road between School Drive and Lancer Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District (Planned Industrial Development)
East:	Light Industrial District (Planned Industrial Development)
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/5/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: The property occupies approximately 1.02 acres and is located west of Elk Vale Road and east of Lancer Drive and north of School Drive. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land to the north is zoned General Commercial District. Land to the south and east is zoned Light Industrial District with a Planned Industrial Development. Land to the west is zoned No Use District. The property is currently void of any structural development

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use.

STAFF REPORT

March 4, 2010

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STAFF REVIEW: Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.010(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 district affected, or the City in general.*

A City initiated annexation of the property (#08AN011) was effective June 4, 2009. Per Section 17.26.020, all annexed lands are temporarily designated No Use District. The annexation of the property represents a changing condition that requires the rezoning of the property.

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

The General Commercial Zoning District is intended to provide for personal and business services and the general retail business of the City. The property is currently void of structural development. The property was zoned General Commercial District by Pennington County prior to annexation. Commercial land use is located on the adjacent property to the north. Due to the land uses on adjacent properties, the rezoning of this property appears 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 accessed from Elk Vale Road, a principal arterial on the Major Street Plan, and by Lancer Drive, a local street. Water and sewer services are provided by Rapid Valley Sanitary District. The property is currently void of structural development. The property is located adjacent to existing commercial land uses and light industrial land uses. Staff has not identified any adverse impacts that would result from the requested rezoning.

4. *The proposed amendment 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 Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use. Rezoning the subject property from No Use District to General Commercial is consistent with the adopted Comprehensive Plan.

Notification Requirement: The required sign has been posted on the property. The white receipts from the certified mailings have been submitted to the Growth Management staff but, as of this writing, the green card receipts have not been returned. Staff will notify the Planning Commission at the March 4, 2010 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

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