

STAFF REPORT
March 25, 2010

No. 10RZ013 - Rezoning from No Use District to General Commercial District **ITEM 18**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Valley Center, Inc.
REQUEST	No. 10RZ013 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot 1E of the NE1/4 NW1/4, the south portion of the Lot E of the NE1/4 NW1/4 lying south of access highway less right-of-way, and the 75 foot wide S.D. Highway 44 right-of-way located adjacent to the south portion of the Lot E of the NE1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	3150 E. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Drainage (Pennington County)
South:	General Agriculture District
East:	No Use District
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/17/2010
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 1.0 acre and is located at 3150 E. Highway 44, north of S.D. Highway 44 and east of Elk Vale Road. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located to the north is owned by Pennington County for drainage purposes. Land located to the south is zoned General Agriculture District. Land located to the east is zoned No Use District. Land located to the west is zoned General Commercial

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District. Valley Carpet is currently located on the property.

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

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 being used for a retail business, a permitted use in the General Commercial Zoning District. The property was zoned General Commercial District by Pennington County prior to annexation. Commercial land use is located on adjacent property to the west. 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 S.D. Highway 44, a principal arterial on the Major Street Plan. Water and sewer services are provided by Rapid Valley Sanitary District. The property is currently used for a retail business, a permitted use in the General Commercial Zoning District. The property is located adjacent to existing commercial 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 uses. Rezoning the subject property from No Use District to General Commercial District is consistent with the adopted Comprehensive Plan.

Notification Requirement: The required sign has been posted on the property. The white

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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 25, 2010 Planning Commission meeting if this requirement has not been met. Staff has received one inquiry but no 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.