

STAFF REPORT
December 9, 2010

No. 10RZ055 - Rezoning from No Use District to General Commercial District **ITEM 17**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Fresh Start Convenience Stores, Inc.
REQUEST	No. 10RZ055 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.66 acres
LOCATION	3887 E. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	Low Density Residential District
East:	General Commercial District (Pennington County)
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	11/12/2010
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 developed property contains approximately 0.66 acres and is located at 3887 E. Highway 44. The property was annexed into the City limits (#10AN003) effective November 19, 2010 and subsequently zoned No Use District. Land located west of the property is zoned General Commercial District. Land located north and east of the property is zoned General Commercial District by Pennington County. Land located south of the property is zoned Low Density Residential District. The property was zoned General Commercial District by Pennington County prior to annexation.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land uses.

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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 17.54.040(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 district affected, or the City in general.*

The annexation of the property (#10AN003) was effective November 19, 2010. 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 purpose of the General Commercial District as stated in the Zoning Ordinance is for personal and business services and the general retail business of the city. A convenience store is currently located on the property. The Southeast Connector Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses. General commercial property surrounds this property on the north, east and west. Property zoned for residential use is located across E. Highway 44 to the south. The rezoning of this property appears to be appropriate and 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.*

Access to the residential property is from E. Highway 44, a principal arterial on the City's Major Street Plan. Water and sewer are provided by the Rapid Valley Sanitary District. The property is located adjacent to commercial land uses. Currently, a convenience store is located on the property. No significant adverse impacts resulting from the requested rezoning have been identified.

4. *The proposed amendments 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 Southeast Connector Neighborhood Area 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 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.

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

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No. 10RZ055 - Rezoning from No Use District to General Commercial District ITEM
