

STAFF REPORT
October 6, 2011

No. 11RZ020 - Rezoning from No Use District to General Commercial District **ITEM 17**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Cross Country Real Estate LLC
REQUEST	No. 11RZ020 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	A portion of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Commencing at the Section $\frac{1}{4}$ Corner common to Sections 9 and 10, T1N, R8E, BHM, thence, S00°05'57"W, along the section line common to said Sections 9 and 10, a distance of 169.01 feet, thence, S89°54'03"E, a distance of 33.00 feet to a point on the easterly edge of Jolly Lane right-of-way, and the point of beginning; Thence, first course: S51°11'21"E, a distance of 388.65 feet; Thence, second course: S38°48'39"W, a distance of 190.00 feet, to a point on the northerly edge of E. Highway 44 right-of-way; Thence, third course: N51°11'21"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 190.24 feet; Thence, fourth course: N30°37'50"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 70.45 feet, to the easterly edge of said Jolly Lane right-of-way; Thence, fifth course: N00°05'57"E, along the easterly edge of said Jolly Lane right-of-way, a distance of 211.79 feet, to a point the point of beginning
PARCEL ACREAGE	Approximately 1.350 acres
LOCATION	At the northeast corner of Jolly Lane and East Highway 44
EXISTING ZONING	No Use District (Rapid City)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Commercial District (Rapid City)
East:	General Commercial District (Pennington County)
West:	General Commercial District (Rapid City)
PUBLIC UTILITIES	Rapid Valley Sanitary District Sewer and Water
DATE OF APPLICATION	9/9/2011

STAFF REPORT
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REVIEWED BY

Robert Laroco / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS: On September 8, 2011, the applicant submitted a request to rezone approximately 1.350 acres of land in the Racetrack Subdivision from No Use to General Commercial District.

The annexation of the property was approved by the Planning Commission on August 25, 2011 (File #11AN001). A Layout Plat and two Subdivision Variances were also approved for the property on August 25, 2011 (File #11SV011, #11SV012, and #11PL036).

The property is located on the northeast corner of East S.D. Highway 44 and Jolly Lane. Currently the property is void of structural development.

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 property is currently zoned No Use District. A No Use District is a temporary designation applied to newly annexed land. Upon the acceptance of a petition for annexation of an area by the City Council, the property owner of such area may request from the City Council an investigation and study of the zoning of such area and present a petition for the rezoning of such area from the No Use status (Rapid City Municipal Code 17.26.020). The annexation of this property into the Rapid City limits presents substantially changing conditions of the area that necessitate this rezoning request.

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

The Rapid City Municipal Code states that the General Commercial District is for personal and business services and the general retail business of the city. The property is located along a major transportation corridor at the intersection of a principal arterial street and a collector street. Land to the west and to the south is zoned General Commercial District. Land to the north and east is zoned General Commercial District in Pennington County. The proposed rezoning will allow the expansion of general commercial use along S.D. Highway 44. This will result in an increase in the intensity of use in the area. The Rapid City Future Land Use Plan designates this land for General Commercial use. The proposed zoning is consistent with the intent and purpose of the adopted Comprehensive Plan.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall*

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any direct or indirect adverse effects result from such amendment.

Commercial development in this transportation corridor, and in this portion of the city, has been recently expanding. The proposed rezoning is for a recently annexed parcel of land zoned No Use District. A No Use District is considered a holding designation for recently annexed City land. Development to the west and south is commercial. Property to the north and east is zoned General Commercial District in Pennington County. It does not appear that the proposed Rezoning will adversely affect any other part of the city.

- 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.*

S.D. Highway 44 is classified as a principal arterial street on the city's adopted Major Street Plan. Jolly Lane is classified as a collector street and is located within a section line highway. Street classifications for roads adjacent to this property support general commercial development on the land.

The Future Land Use Plan designates this land as appropriate for a General Commercial uses. As such, the proposed general commercial uses appear to be consistent with the adopted Comprehensive Plan.

The property lies within the Rapid Valley Sanitary District. As such, sewer and water services will be provided to the property by the Rapid Valley Sanitary District.

Staff has noted that the property must be developed in compliance with the City's adopted drainage and utility design standards and in compliance with the Rapid City Municipal Code.

Staff recommends that the request to rezone the property from No Use District to General Commercial District be approved.

Notification Requirements: The proposed sign has been posted on the property. As of this writing, the required receipts of the certified mailings have not been returned to the Growth Management Department. Staff will inform the Planning Commission at the October 6, 2011 Planning Commission meeting if the notification requirements have not been met. At this time, there have been no inquiries about this request.