

STAFF REPORT

September 5, 2002

**No. 02RZ041 - Rezoning from Low Density Residential District to
General Commercial District**

ITEM 32

GENERAL INFORMATION:

PETITIONER	Ron Salway
REQUEST	No. 02RZ041 - Rezoning from Low Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot 2 of Dakota Subdivision #1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.143 acres
LOCATION	502 Crazy Horse Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Neighborhood Commercial District
East:	General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	07/11/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to General Commercial District be denied.

GENERAL COMMENTS:

This item was continued from the August 29, 2002 Planning Commission meeting to allow the applicant time to complete the required mailings. (Updates to the staff report are shown in bold.) The lot involved in this rezoning request is 100 feet by 60 feet with an area of 6,000 square feet. The property was annexed as part of the North Haines Annexation in March of 1985, and it has been zoned Low Density Residential District since that time. The subject property as identified is Lot 2, and is located adjacent to Haines Avenue and directly north of Crazy Horse Drive.

The petitioner has indicated a desire to rezone the 0.143 acre parcel of land from Low

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Density Residential District to General Commercial District. Currently the property is void of any 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 districts affected or in the City in general.*

Some residential development has occurred in the Northridge Subdivision located ½ mile north of the subject lots. Staff recognizes the importance of balancing the need for commercial services with the need for cohesive residential neighborhoods. Significant existing commercial development lies south of this site at the Interstate 90 interchange and at the Rushmore Mall. Additional land designated for general commercial uses lies east of Haines Avenue. The future land use map clearly designates the lot for future use as residential land uses.

The North Haines area has seen some changes in recent years including the expansion of Haines Avenue to a five lane road. It is significant that there is no general commercial uses present in that area along the west side of the Haines Avenue corridor. Most of the surrounding City zoning falls in the Low Density Residential Zoning District. There has been no increasing trend towards General Commercial Land Uses in the area west of Haines Avenue. Rezoning this one parcel of property to General Commercial would appear to constitute "spot zoning."

Lot 1 located south of the proposed rezoning has been zoned Neighborhood Commercial District since March of 1985. At the time of annexation the property was zoned to accommodate the existing convenience store. Lot 3 was zoned Neighborhood Commercial District in May of 1991 to accommodate a laundromat. Lots 1 and Lots 3 had similar rezoning requests in August 1995 and March 1999, and both of these requests were denied by City Council. These two lots are currently zoned Neighborhood Commercial.

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

The purpose of the General Commercial Zoning District is to provide for personal and business services and the general retail business of the city. Staff believes that the subject property should not function in this capacity. Except for the existing Neighborhood Commercial Zoning near this parcel, the surrounding neighborhood west of Haines Avenue is residential. Large General Commercial zoned areas are located only minutes away to the south around the Rushmore Mall. Staff does not believe another area catering to the general retail business of the City is needed at this location, particularly when consideration is given to the significant impacts that could have on the adjoining residences.

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

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direct or indirect adverse effects result from such an amendment.

Staff has serious concerns that rezoning this property to General Commercial could result in adverse impacts to the surrounding residential areas. As part of their review of a previous request in the area, the Rapid City Police Department compiled an incident report for the lot south of the subject property between 1996 and 1999. There were a total of twenty-six incidents at this address during that time period; twenty-three percent of those incidents were alcohol violations. The Police Department notes that this report only lists those incidents with case report numbers. If actual log entry calls such as fight calls, extra patrol and disturbance calls were included, the total number of calls would be much higher. The type of intensive commercial uses allowed under the General Commercial Zoning District may only exacerbate these problems. Severe impacts due to noise, traffic, and potential crime could affect neighboring residential areas should this property be rezoned to General Commercial.

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 Rapid City Comprehensive Plan – Five Year Review completed in 1976 identifies this area appropriate for future residential land uses. The updated Future Land Use Plan for this area has not yet been completed. Rezoning this property to General Commercial would be in conflict with the objectives of the City's currently adopted comprehensive plan.

The required rezoning sign has been posted on the property and the receipts from certified mailing have been returned as of the writing of this staff report.

Two calls have been received in objection to this proposal.