

STAFF REPORT

February 20, 2003

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**No. 03RZ005 - Rezoning from Office Commercial District to General Commercial District**

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**ITEM 38**

GENERAL INFORMATION:

PETITIONER	J. Scull Construction Service for Jim Scull, Jr.
REQUEST	<b>No. 03RZ005 - Rezoning from Office Commercial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot 13 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .29 acres
LOCATION	East of Federal Avenue along Kinney Avenue
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Medium Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/03/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District **be approved in conjunction with a Planned Development Designation request.**

GENERAL COMMENTS:

**This item was continued at the February 6, 2003 Planning Commission meeting to allow the rezoning request to be heard in conjunction with a Planned Development Designation request. (See companion item #03PD005.) This Staff Report has been revised as of February 10, 2003. All revised and/or added text is shown on bold print.** The applicant is seeking to rezone the above legally described property from Medium Density Residential District to General Commercial District. West Chicago Street is located along the north lot line, 32<sup>nd</sup> Street is located along the east lot line and Kinney Avenue is located along the west lot line. The Rezoning request includes an island of land located within the Kinney Avenue cul-de-sac. The property is currently void of any structural development.

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The applicant has also submitted Rezoning request #03PD003 to change the zoning designation on Lots 10A, 12, 14, 15 and 16, Block 1, Owen Mann Subdivision from Medium Density Residential District to General Commercial District. The subject property, Lot 13, is located between Lots 14 and 15 of the associated Rezoning request. The Planned Development Designation request includes both the subject property and Lot 10A, 12, 14, 15 and 16, Block 1, Owen Mann Subdivision.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is 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 properties located north, east and west of the subject property are currently zoned General Commercial District with existing commercial development(s). In addition, the City's Long Range Comprehensive Plan identifies the property as appropriate for commercial use(s). Rezoning the property to General Commercial District is the highest and best use of the property as supported by the Long Range Comprehensive Plan. West Chicago Street, a principal arterial street, is located along the north lot line of the subject property and serves as access to many developed and/or redeveloped commercial sites within the area.

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

The purpose of the General Commercial Zoning District is intended to provide for personal and business services and the general retail business of the City. The location of the property adjacent to West Chicago Street makes it a desirable location for general commercial activities serving the general retail business needs of the community.

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.*

Staff does not believe that rezoning this property will result in any adverse impacts in conjunction with the associated Planned Development Designation. The property is currently served by City sewer and water and the adjacent roadways support the proposed general commercial activities.

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.*

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The City's Long Range Comprehensive Plan identifies the appropriate use of the property as commercial. Rezoning the property as proposed will bring conformity between the zoning and the future land use identified for the subject property. The additional review provided by the Planned Commercial Development will insure that possible adverse impacts of future development on the site will be adequately mitigated. Potential issues that will need to be addressed through the Planned Commercial Development include access issues, traffic patterns and buffering and screening requirements.

As of this writing, the sign has not been posted on the property nor have the mailing receipts from the certified mailing been returned. Staff will notify the Planning Commission at the February 20, 2003 Planning Commission meeting if these requirements have not been met. Staff has received one call; however, the caller indicated that he did not oppose the proposed rezoning as long as a Planned Development Designation was also being approved for the property.