

STAFF REPORT

June 26, 2003

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**No. 03RZ023 - Rezoning from Neighborhood Commercial District to  
General Commercial District**

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**ITEM 46**

GENERAL INFORMATION:

PETITIONER	Robert Stiehl
REQUEST	<b>No. 03RZ023 - Rezoning from Neighborhood Commercial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Tract A; the balance of Tract A; and Tract B, all located in Robbinsdale #7 Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.7 acres
LOCATION	402 E. Fairmont Boulevard
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Medium Density Residential District/ Medium Density Residential District w/Planned Residential Development
West:	Low Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	05/29/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from Neighborhood Commercial District to General Commercial District be denied.

GENERAL COMMENTS: This property is located at 402 E. Fairmont Boulevard, which is north of Fairmont Boulevard, south of Fairlane Drive and west of Elm Avenue. The property was annexed into the City of Rapid City in 1947. It is currently zoned Neighborhood Commercial District. This Neighborhood Commercial property is surrounded by Low Density Residential Zoning Districts located on the north, south and west and Medium Density Residential Zoning District and Medium Density Residential Zoning District with a Planned Commercial Development located on the east. The applicant is requesting that this property be rezoned from Neighborhood Commercial District to General Commercial District to allow the issuance of an on-sale alcohol land use on the property. The Comprehensive Plan identifies this property as appropriate for 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 districts affected or in the City in general.*

The subject property was annexed into the City in 1947. The Circle S Convenience Store, a beauty shop, a pizza shop, and a used clothing store are currently located on the property, which is zoned Neighborhood Commercial District. The property is located in a stable developed residential neighborhood. Staff is unaware of any changing conditions in this area that would justify the rezoning of this property.

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

The property located to the north, south and west of the subject property is zoned Low Density Residential District. The property located to the east of the subject property is zoned Medium Density Residential District and Medium Density Residential District with a Planned Residential Development. Fairmont Boulevard is located adjacent to the property to the south and Elm Avenue is located to the east. The property is also bordered by Fairlane Drive on the north. The Comprehensive Plan identifies the subject property as appropriate for Commercial land use(s). The Comprehensive Plan does not identify the commercial land use(s) as Neighborhood Commercial, Office Commercial, or General Commercial land use(s). Neighborhood Commercial Districts are "established to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area." Neighborhood Commercial Zoning District is an appropriate commercial district for a residential area. The General Commercial Districts are to "serve the general retail business of the city" and would not appear to be appropriate for this site due to its size and location in such close proximity to established residential uses.

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 an amendment.*

The subject property is located adjacent to Medium Density Residential Zoning Districts on the east and Low Density Residential Zoning Districts on the north, south and west. The property is situated on the corner of two minor arterial streets, Fairmont Boulevard and Elm Avenue. Property zoned General Commercial District serving the general retail business of the City would generate additional traffic issues on these streets. Staff feels the amendment would have a negative affect on the surrounding land uses and on public infrastructure.

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*

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*Use Plan and Community Facilities Plan.*

The Comprehensive Plan identifies the subject property as appropriate for Commercial land use(s) and adjacent properties as appropriate for Residential land uses(s) to the north, west and south and commercial land use(s) to the east. The Comprehensive Plan does not identify the commercial land use(s) as Neighborhood Commercial, Office Commercial, or General Commercial land use(s). Neighborhood Commercial land use is appropriate in this area and would be consistent with the Comprehensive Plan. Due to the residential land uses surrounding the property, staff feels that the long range plan for this area would not support the General Commercial land use and would not be consistent with the Comprehensive Plan.

As of this writing, the sign has been posted on the property, but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 26, 2003 Planning Commission meeting if these requirements have not been met. Staff has received three objections regarding this request.