

STAFF REPORT

March 25, 2004

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**No. 04RZ002 - Rezoning from Medium Density Residential District to Neighborhood Commercial District**      **ITEM 31**

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GENERAL INFORMATION:

PETITIONER	Stanley & Durr LLC dba Fjords Ice Cream Factory
REQUEST	<b>No. 04RZ002 - Rezoning from Medium Density Residential District to Neighborhood Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.932 acres
LOCATION	1805 and 1815 38th Street
EXISTING ZONING	Medium Density Residential District/Planned Residential Development
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/23/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

**Based on the Planning Commission's previous action**, Staff recommends that the Rezoning from Medium Density Residential District to Neighborhood Commercial District be **approved in conjunction with the associated Planned Development Designation and Comprehensive Plan Amendment request**.

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was continued from the February 19, 2004 Planning Commission meeting to allow the applicant time to submit an application for a Planned Development Designation for the site.

**At the February 19, 2004 Planning Commission meeting, the Planning Commission indicated support for the rezoning of the property if a Planned Development**

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**Designation or an Initial and Final Development Plan application were submitted in conjunction with the rezoning request. This would protect the adjacent residential neighborhood from the impacts of more intense uses allowed in the Neighborhood Commercial Zoning District. On February 27, 2004 the applicant submitted an application for a Planned Development Designation for the properties. (See companion item #04PD012.)**

The subject properties are located at 1805 and 1815 38<sup>th</sup> Street, which is south of Canyon Lake Drive and west of 38<sup>th</sup> Street. The properties were annexed into the City of Rapid City in 1947. They are currently zoned Medium Density Residential with a Planned Residential Development. In 1995 the Planning Commission approved with stipulations the Planned Residential Development allowing the construction of 18 apartment units separated into three buildings. This Medium Density Residential property is surrounded by Medium Density Residential districts to the north, south, east, and west. The applicant is requesting this property be rezoned from Medium Density Residential to Neighborhood Commercial to allow the construction of an ice cream parlor and factory. However, when considering the rezoning of the property the Planning Commission must give consideration to the wide range of uses that may be allowed in the Neighborhood Commercial Zoning District. The Comprehensive Plan and the West Rapid Neighborhood Area Future Land Use Plan Draft identifies these properties as appropriate for Medium Density Residential with a Planned Residential Development. The applicant has also submitted a request to amend the Land Use Plan from Residential to Neighborhood Commercial

**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 properties were annexed into the City of Rapid City in 1947. Currently four single-family residences are located on the southernmost parcel, and the northernmost parcel is vacant. The properties are located in a stable developed residential neighborhood. Staff has noted that there are some commercial properties located along Canyon Lake Drive, but are unaware of any changing conditions in the immediate area that would justify the rezoning of these properties.

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

The properties located to the north, south, east, and west of the subject properties are zoned Medium Density Residential. The Comprehensive Plan identifies the subject properties as appropriate for a Medium Density Residential Zoning District with a Planned Residential Development. Medium Density Residential Zoning Districts are established to provide areas in which the principal use of land is devoted to single-family to multiple-family apartment uses.

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Neighborhood Commercial Zoning Districts are intended 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. The allowed principal uses range from food markets to hardware or home improvement retail establishments which may negatively impact this stable residential neighborhood.

*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 properties are located adjacent to Medium Density Residential Zoning Districts on the north, south, east, and west. Staff feels the amendment would have a negative affect on the surrounding land uses with the introduction of a commercial use in an established residential neighborhood.

Staff noted that during the West Rapid Neighborhood Area Future Land Use Plan neighborhood meeting the area residents were opposed to any additional commercial uses in this area.

Staff also noted that potential site distance issues may arise due to the skewed intersection at Canyon Lake Drive and 38<sup>th</sup> Street.

*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 Comprehensive Plan and West Rapid Neighborhood Area Future Land Use Plan Draft identifies the subject properties as appropriate for a Medium Density Residential Zoning District with a Planned Residential Development. Commercial land use is not appropriate in this area and would not be consistent with the Comprehensive Plan. Due to the residential land uses surrounding the properties, staff feels that the long range plan for this area would not support a commercial land use and would not be consistent with the Comprehensive Plan.

Staff also noted that the Red Dale Drainage Basin Drainage Plan is based on this area being zoned Medium Density Residential. An increase in impervious area may require on-site water detention.

**As previously indicated the applicant has submitted an application for a Planned Development Designation on the properties. The Planned Development Designation will allow site specific issues to be addressed at the time a development proposal is prepared. The additional review provided by the Initial and Final Planned Development will insure that possible adverse impacts of the future development on the site will be adequately mitigated. Potential issues that will need to be addressed through the Initial and Final Planned Development include access, parking, traffic patterns, outdoor lighting, landscape buffering, and screening requirements.**

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**As such, Staff recommends the Rezoning from Medium Density Residential District to Neighborhood Commercial District be approved in conjunction with the associated Planned Development Designation request.**