

STAFF REPORT
January 6, 2005

No. 04RZ057 - Rezoning from Low Density Residential District to General Commercial District **ITEM 42**

GENERAL INFORMATION:

PETITIONER	FMG Engineering for F&A Properties
REQUEST	No. 04RZ057 - Rezoning from Low Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	That part of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning; all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.54 acres
LOCATION	West of Haines Avenue, South of Mall Drive, North of Paha Sapa Drive, East of Lakota Homes
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Neighborhood Commercial District/Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/12/2004
REVIEWED BY	Todd Tucker / David L. Johnson

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RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and Planned Commercial Development – Initial Development Plan.

GENERAL COMMENTS: **(This Staff Report was revised on December 27, 2004. All revised and/or added text is shown in bold text.) This item was continued at the December 9, 2004 Planning Commission meeting to allow the applicant time to meet with the property owners in the area to discuss the proposed development for the subject property.**

The applicant indicated that on December 13, 2004 he met with the property owners in the area of the subject property to discuss the proposed development of the subject property. On January 4, 2005 the applicant and staff will meet with the residents in the area to discuss the development of the subject property. Staff will report to the Planning Commission about the meeting at the January 6, 2005 Planning Commission meeting.

The subject property is located west of Haines Avenue between Mall Drive and Pahasapa Road. The subject property is currently zoned Low Density Residential. The property is located adjacent to Low Density Residential properties to the north, west, and south. The properties located east of the subject property are zoned General Commercial. The applicant is requesting the property be rezoned from Low Density Residential to General Commercial with a Planned Commercial Development – Initial Development Plan. The Comprehensive Plan and the Future Land Use Map identify the subject property as appropriate for residential development. The applicant has also submitted a request to amend the Future Land Use Map from Low Density Residential to General Commercial (04CA065), and to place a Planned Commercial Development – Initial Development Plan (04PD072) on the property.

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 of Rapid City in 1985. The subject property is currently void of any structural development. The property is located in an area with numerous General Commercial zoned properties. The increase of commercial development in the area and the location of the subject property in relation to other General Commercial zoned properties justify the rezoning of this property.

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

General Commercial Zoning Districts are intended to provide for personal and business services and the general retail businesses of the city. This area of the city, north of the interstate and along Haines Avenue is an increasing area of commercial development. The adjacent properties located to the east of Haines Avenue and other properties to the south of the subject property on the west side of Haines Avenue are currently zoned General Commercial. Due to the existing zoning of the adjacent properties and the properties in close relation to the subject property, rezoning the subject property would appear to be consistent with the intent and purposes of this ordinance.

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 a Low Density Residential Zoning District on the north, west and south. However, the additional review provided by the Planned Commercial Development will insure that possible adverse impacts of the future development on the site will be adequately mitigated with respect to the residential properties located adjacent to the subject property.

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 identifies the subject property as appropriate for a Residential Zoning District. As previously indicated the applicant has also submitted a request to amend the Land Use Plan from Residential to General Commercial with a Planned Commercial Development.

Staff recommends the Rezoning request be approved in conjunction with the associated Amendment to the Comprehensive Plan and Planned Commercial Development – Initial Development Plan.