

STAFF REPORT
May 5, 2005

**No. 05RZ029 - Rezoning from Medium Density Residential District
to Light Industrial District**

ITEM 35

GENERAL INFORMATION:

PETITIONER	Marty Jacob for MJB Company, Inc.
REQUEST	No. 05RZ029 - Rezoning from Medium Density Residential District to Light Industrial District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.58 Acres
LOCATION	826 East Monroe Street
EXISTING ZONING	Medium Density Residential District
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	3/8/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Rezoning from Medium Density Residential District to Light Industrial District be **approved in conjunction with the associated Comprehensive Plan Amendment (05CA019) and with the provision that the necessary street improvements to Monroe Street are completed and the existing fence blocking the Monroe Street right-of-way is removed prior to approval by the City Council.**

GENERAL COMMENTS: (This Staff Report was revised on April 22, 2005. All revised and/or added text is shown in bold text.) This item was continued at the April 21, 2005 Planning Commission meeting to allow the application to be heard in conjunction with the associated Comprehensive Plan Amendment.

(This Staff Report was revised on April 15, 2005. All revised and/or added text is shown in bold text.) This item was continued at the April 7, 2005 Planning Commission meeting to allow it to be heard in conjunction with the Comprehensive Plan Amendment request.

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The subject property is located east of North Spruce Street and west of Gold Finch Road between East Adams Street and East Madison Street. The subject property is currently developed with an office, large commercial garage and a storage lot for vehicles.

In 1920, the subject property was zoned commercial and was subsequently rezoned to residential in 1935. In 1947, a Building Permit was issued for a private shop on the subject property. In 1999, an inspector's report was issued indicating that the existing structure was no longer being used for commercial purposes but was for personal storage.

As previously indicated, the subject property is currently developed with an office, large commercial garage and a storage lot for vehicles. Currently, the use of land specifically identified as a towing facility is not listed in the Zoning Regulations. The applicant is requesting that the zoning be changed from Medium Density Residential to Light Industrial. The applicant has also submitted a Comprehensive Plan Amendment (05CA019) to change the future land use designation on the subject property from Medium Density Residential to Light Industrial and a Determination of Use application (05DU001) to determine if a towing company is appropriate in the Light Industrial Zoning District.

STAFF REVIEW: The North Rapid Neighborhood Area Future Land Use Plan identifies the subject property as appropriate for Medium Density Residential development. As previously indicated, the applicant has requested a Comprehensive Plan Amendment to change the future land use designation for the subject property from Medium Density Residential to Light Industrial. If that request is approved, the proposed rezoning will be consistent with the adopted Comprehensive Plan. However, the Future Land Use Committee is recommending that the Comprehensive Plan amendment be continued to the April 21, 2005 Planning Commission meeting to allow the committee time to visit the subject property and surrounding properties. As such, staff is recommending that this item be continued to the April 21, 2005 Planning Commission meeting to allow this request to be heard in conjunction with the Comprehensive Plan Amendment request.

On April 15, 2005, the Future Land Use Committee again discussed the proposed amendment to the Comprehensive Plan. After visiting the location of the subject property and the surrounding area, the Future Land Use Committee recommended that this item be continued to the May 5, 2005 Planning Commission meeting to allow the committee time to discuss the site and the surrounding properties and explore all available options. As such, staff recommends that this item be continued to the May 5, 2005 Planning Commission meeting to be heard in conjunction with the associated Comprehensive Plan Amendment request.

Staff has reviewed this proposed Rezoning request 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.***

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The property is located in an established residential neighborhood in the City. The adjacent properties on all sides of the subject property are developed with single family structures. No substantially changed or changing conditions have been identified in the area that would necessitate the proposed amendment.

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

Light Industrial Zoning Districts are intended to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing storage, warehousing, wholesaling and distribution. The applicant is proposing to rezone the subject property to Light Industrial to allow an existing towing company on the site to remain. The existing use of the subject property would be consistent with the intent and purposes of the Light Industrial Zoning District; however, it should be noted that there are some concerns with the compatibility of the Light Industrial uses allowed in this district relative to the adjacent 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 part of an existing Medium Density Residential Zoning District and is adjacent to the Medium Density Residential Zoning District on all sides. There are numerous existing single family residential structures located on the adjacent properties on all sides. The proposed amendment may adversely affect the neighborhood by creating a Light Industrial District spot of zoning in a residential neighborhood. Additionally the location of this Light Industrial Zoning District would require trucks to travel through an established residential neighborhood to access 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 North Rapid Neighborhood Area Future Land Use Plan identifies the subject property as appropriate for Medium Density Residential development. As previously indicated, the applicant has requested a Comprehensive Plan Amendment to change the future land use designation for the subject property from Medium Density Residential to Light Industrial. The Future Land Use Committee has recommended that the Comprehensive Plan amendment be approved. If that request is approved, the proposed rezoning will be consistent with the adopted Comprehensive Plan.

Monroe Street serves as the primary access to the subject property. Staff noted that Monroe Street is not currently constructed to the industrial/commercial standards needed to support the towing trucks that use the street and would need to be improved to comply with the Street Design Criteria Manual if the Comprehensive Plan Amendment is approved. Prior to City Council approval the necessary street improvements must be completed. Staff also noted that the Monroe Street right-of-

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way is currently obstructed by a six foot high chain link fence. As Monroe Street is a public right-of-way the existing fence must be removed, prior to City Council approval, to allow the general public to travel along it as a right-of-way.

Staff noted that the required sign has been posted on the property and the required legal notification to the surrounding property owners has been mailed out. Staff has received several phone calls in opposition to the Rezoning request and also notes that the manager of the existing mobile home park located to the north and east of the subject property attended the April 7, 2005 Planning Commission Meeting to express concerns with the proposed amendment.

Staff is recommending that the Rezoning request be approved in conjunction with the associated Comprehensive Plan Amendment (05CA019) and with the provision that the necessary street improvements to Monroe Street are completed and the existing fence blocking the Monroe Street right-of-way is removed prior to approval by the City Council.