

STAFF REPORT

June 9, 2005

No. 05RZ040 - Rezoning from Medium Density Residential District to Neighborhood Commercial District **ITEM 36**

GENERAL INFORMATION:

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| PETITIONER | Kahler Property Management for Robert Froehlich |
| REQUEST | No. 05RZ040 - Rezoning from Medium Density Residential District to Neighborhood Commercial District |
| EXISTING LEGAL DESCRIPTION | Lots 1 through 20, Block 1, Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .42 acres |
| LOCATION | At the southwest corner of the intersection at East Saint Patrick Street and Robbins Drive |
| EXISTING ZONING | Medium Density Residential District |
| SURROUNDING ZONING | |
| North: | Neighborhood Commercial District |
| South: | Medium Density Residential District |
| East: | Medium Density Residential District |
| West: | Medium Density Residential District |
| PUBLIC UTILITIES | NA |
| DATE OF APPLICATION | 5/13/2005 |
| REVIEWED BY | Karen Bulman / Michelle Horkey |

RECOMMENDATION: Staff recommends that the Rezoning from Medium Density Residential District to Neighborhood Commercial District be approved in conjunction with a Planned Development Designation.

GENERAL COMMENTS: This property contains approximately .42 acres and is located at the southwest corner of the intersection of East St. Patrick Street and Robbins Drive. Land located north of the subject property is zoned Neighborhood Commercial District. Land located south, east and west of the subject property is zoned Medium Density Residential District. The property owner has submitted a Planned Development Designation (05PD037) in conjunction with this rezoning request.

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:

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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.*

This undeveloped property is zoned Medium Density Residential District. A parking lot is located on the subject property as parking for the adjacent neighborhood commercial structure and has been in that location for many years. The property owner has requested this change to be able to comply with the parking ordinance for the adjacent neighborhood commercial property. There is no changing condition in the area requiring this amendment.

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

The Neighborhood Commercial Zoning District is 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. The subject property is located adjacent to Neighborhood Commercial and Medium Density Residential Zoning Districts. The subject property has been used as additional parking for the adjacent neighborhood commercial structure for approximately 50 years. The proposed zoning will allow the property to be zoned consistent with the use of the property and with the land use designation indicated on the Comprehensive Plan. Due to potential conflict with existing traffic and drainage issues in the area, the Future Land Use Committee recommends approval of this rezoning in conjunction with a Planned Development Designation. An application for a Planned Development Designation has been submitted in conjunction with this rezoning request. The proposed zoning ordinance is consistent with the intent 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 Medium Density Residential Zoning Districts and Neighborhood Commercial Zoning Districts. The property will continue to be used as additional parking for the adjacent commercial structure. There will not be any added infrastructure needs or additional commercial development creating increased traffic. Due to the close proximity to the residential area, an Initial and Final Development Plan must be submitted for approval prior to any future development of the subject property. At that time, any potential conflicts with the adjacent residential districts, such as traffic or drainage, will be mitigated through the Planned Commercial Development. The proposed amendment should not have a significant affect on any of the surrounding land uses or 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 Use Plan, and Community Facilities Plan.*

The 1974 Comprehensive Plan identifies this area as appropriate for commercial land use. The Future Land Use Committee reviewed the rezoning of the subject property and stated that the property is appropriate for Neighborhood Commercial land uses. However, due to

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the commercial land use located close to residential land uses, the Committee recommended that the rezoning be accompanied by a Planned Development Designation to help mitigate any future traffic or drainage issues. An application for a Planned Development Designation has been submitted in conjunction with this rezoning request.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 9, 2005 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

Staff recommends that the Rezoning from Medium Density Residential District to Neighborhood Commercial District be approved in conjunction with the associated Planned Development Designation.