

STAFF REPORT
April 26, 2007

No. 07RZ019 - Rezoning from Heavy Industrial District to General Commercial District **ITEM 31**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Jenicey, Inc., Craig Uhre President
REQUEST	No. 07RZ019 - Rezoning from Heavy Industrial District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.95 acres
LOCATION	Northeast corner of the intersection of U.S. Highway 79 and Minnesota Street
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	Heavy Industrial District
East:	Heavy Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from Heavy Industrial District to General Commercial District be approved in conjunction with an Amendment to the Adopted Comprehensive Plan with the following stipulation:

- 1. Prior to City Council approval, a Planned Development Designation application shall be submitted and approved for the subject property.**

GENERAL COMMENTS: **This staff report has been revised as of April 17, 2007. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 1.95 acres and is located at the northeast intersection of South Dakota Highway 79 and Minnesota Street. The applicant is requesting that the property be rezoned from Heavy Industrial District to General Commercial District. **The applicant is also requesting an Amendment to the Adopted Comprehensive Plan (07CA016) to change the land use designation from Industrial to General Commercial with a Planned**

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Commercial Development.

Land located south, east, and north of the subject property is zoned Heavy Industrial District. Land located west of the subject property is zoned General Commercial District. The Long Range Comprehensive Plan indicates that this property is appropriate for Industrial land uses.

On January 25, 2007, Planning Commission denied a Conditional Use Permit (06UR024) to allow the slaughter of animals in a Heavy Industrial Zoning District on the subject 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.*

There appears to be substantially changing conditions within this area. On March 18, 2002, City Council approved a Rezoning from Light Industrial and Medium Density Residential to General Commercial (02RZ008) in conjunction with a Planned Development Designation on the property at the northwest intersection of South Dakota Highway 79 and Minnesota Street. Commercial development has also occurred southwest of the subject property creating a node of commercial development at the intersection of Minnesota Street and east of South Dakota Highway 79. The existing public streets as well as the existing municipal water and sanitary sewer services to the property will support the extension of commercial development. In addition, South Dakota Highway 79 is a significant north-south arterial connection and entryway into the community.

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

The purpose of the General Commercial District as stated in the Zoning Ordinance "...is for personal and business services and the general retail business of the city". This property is located north of Minnesota Street and east of South Dakota Highway 79 and is an entryway into the community. General Commercial Zoning District is located in the northwest corner and southwest corner of the intersection of South Dakota Highway 79 and Minnesota Street. A node of commercial development has occurred at this intersection. Due to the existing zoning of the adjacent properties, the City water and sewer services in the area, and the topography of the area, the proposed rezoning 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 General Commercial Zoning District on the west and infrastructure is constructed to serve the proposed commercial development. Staff recommends that prior to approval by the City Council, a Planned Development Designation

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application shall be submitted and approved for the subject property. The additional review provided by an Initial and Final Planned Unit Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

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 Major Street Plan identifies Minnesota Street as a minor arterial street and South Dakota Highway 79 as a principal arterial street. Allowing commercial use(s) along an arterial street is in compliance as a street serving the highest traffic volume corridors and major centers of activity such as a commercial use. The Comprehensive Plan identifies the subject property as appropriate for an Industrial Zoning District. In conjunction with the rezoning of this property the applicant is requesting an Amendment to the Comprehensive Plan by revising the Comprehensive Future Land Use Plan from Industrial to General Commercial. If the requested Comprehensive Plan Amendment is approved the proposed amendment will be consistent with the Development Plan of Rapid City including the Comprehensive Future Land Use Plan.

As of this writing the required 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 April 5, 2007 Planning Commission meeting if the notification requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

This item was continued to the April 26, 2007 Planning Commission meeting to allow the rezone request to be heard in conjunction with an Amendment to the Adopted Comprehensive Plan. Staff recommends that the Rezoning from Heavy Industrial District to General Commercial District be approved in conjunction with an Amendment to the Adopted Comprehensive Plan with the above stated stipulation.