

STAFF REPORT
July 9, 2009

No. 09RZ027 - Rezoning from Medium Density Residential District to General Commercial District **ITEM 25**

GENERAL INFORMATION:

APPLICANT/AGENT	Rising Properties, LLC
PROPERTY OWNER	Curtis D. Rising
REQUEST	No. 09RZ027 - Rezoning from Medium Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	727 Fairview Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	6/12/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION: Staff recommends that the Rezoning from Medium Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.

GENERAL COMMENTS: This developed property contains approximately 0.16 acres and is located at 727 Fairview Street. The property is currently zoned Medium Density Residential District. Land located north and south of the property is zoned General Commercial District with a Planned Commercial Development. Land located west of the property is zoned General Commercial District. Land located east of the property is zoned Medium Density Residential District. A single family residence is currently located on the property.

The Comprehensive Land Use Plan identifies the use of the property as appropriate for

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residential land uses. Applications to change the land use for this property from Residential to General Commercial with a Planned Commercial Development (#09CA010) and Planned Development Designation (#09PD028) have been submitted in conjunction with this Rezoning application.

STAFF REVIEW: The Future Land Use Committee reviewed the associated application to amend the Comprehensive Plan from Residential to General Commercial with a Planned Commercial Development (#09CA010) and recommended that the request be approved.

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.*

Staff has not identified any changing condition that requires rezoning the property.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. A single family residence is located on the property. Commercial land uses and General Commercial Zoning Districts are located north, south and west of the property. Due to the land uses and zoning of the adjacent properties, the 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.*

Access to the commercial property is from Fairview Street. City sewer and water are available. The property is located adjacent to commercial land uses. A small apartment building is located east of the property and separates the commercial uses along Mt. Rushmore Road with the single family residential uses to the east. The additional review provided by a Planned Commercial Development process will insure that any possible adverse impacts of development are adequately mitigated. Based on the provision of a Planned Development overlay, no significant adverse impacts resulting from the requested rezoning have been identified.

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 Adopted Comprehensive Land Use Plan indicates that this area is appropriate for Residential land uses. The Future Land Use Committee recommends that the associated Comprehensive Plan Amendment to change the land use from Residential to General Commercial with a Planned Commercial Development be approved. As such, rezoning the

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subject property from Medium Density Residential District to General Commercial District will be consistent with the adopted Comprehensive 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 July 9, 2009 Planning Commission meeting if these requirements have not been met. Staff has received comments from an area resident objecting regarding the request and further commercial encroachment into the neighborhood at the time of this writing. The individual objected to the additional commercial rezoning based on the precedent established by the rezoning of the property to the north three years ago.

Staff recommends that the rezoning from Medium Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and a Planned Development Designation.