

STAFF REPORT

April 5, 2012

No. 12RZ005 - Rezoning from Office Commercial District to General Commercial District

ITEM 7

GENERAL INFORMATION:

APPLICANT	Lazy P-6 Land Co., Inc.
AGENT	Lawrence M. Kostaneski, PE for Centerline
PROPERTY OWNER	Lazy P-6 Land Co., Inc.
REQUEST	No. 12RZ005 - Rezoning from Office Commercial District to General Commercial District
EXISTING LEGAL DESCRIPTION	A parcel of land located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing from the northeast corner of Lot 3 of North 80 Subdivision consisting of a "Hanson #6251" cap, thence N0°08'36"E a distance of 175.18' to a point that intersects the centerline of a 50' wide Major Drainage Easement, thence S89°52'06"E a distance of 167.75' to a point on a non-tangent left-hand curve and west right-of way line of Shelby Avenue with a radius of 226.00', a length of 59.56', a chord bearing of S18°45'08"E and a chord distance of 59.39' to the PT, thence S26°18'10"E a distance of 101.47' to the PC of a right-hand curve with a radius of 174.00' and a length of 80.29', thence S0°07'54"W a distance of 255.29' to a "Hanson #6251" cap, thence S55°26'11"W a distance of 15.81' to a "Hanson #6251" cap, thence along the north side of East Stumer Road N89°52'06"W a distance of 237.34' to the southeast corner of Lot 3 consisting of a "Hanson #6251" cap, then N0°08'36"E along the east line of Lot 3 a distance of 313.67' to the Point of Beginning
PARCEL ACREAGE	Approximately 2.62 acres
LOCATION	At the northwest corner of the intersection of East Stumer Road and Shelby Avenue
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Office Commercial District
South:	General Commercial District (Planned Development Designation)
East:	Office Commercial District
West:	Office Commercial District

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PUBLIC UTILITIES Rapid City
DATE OF APPLICATION 3/8/2012
REVIEWED BY Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Office Commercial District to General Commercial District.

On April 21, 2003, the City Council approved a rezoning request (File #03RZ011) from General Agriculture District to Office Commercial District including the above legally described property.

On February 6, 2012, the City Council approved a Preliminary Plat (File #11PL075) to create a lot to be known as Lot 4, North 80 Subdivision that includes the above legally described property.

The property is located northwest of the intersection of East Stumer Road and Shelby Avenue. Currently, the property is undeveloped.

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 generally.*

The City has recently extended new water and sewer mains along Catron Boulevard to improve service to this area. As a result, commercial development within this area is occurring. In particular, a restaurant is being constructed south of this property and a Wal-Mart Supercenter with two mini-anchor stores are being constructed further west of this site along East Stumer Road. These changes and improvements constitute a changing condition in the area to support the rezoning request.

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

The purpose of the General Commercial Zoning District as stated in the Zoning Ordinance is for personal and business services and the general retail business of the city. The Zoning Ordinance is the tool that enforces the Comprehensive Plan. The

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above legally described property is located adjacent to East Stumer Road. East Stumer Road is identified as a collector street on the City's Major Street Plan which supports commercial traffic. Property located directly to the south is zoned General Commercial District. Rezoning this property on the north side of East Stumer Road is an extension of existing general commercial development in the area. The rezoning of this property appears to be appropriate and 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 City's adopted Future Land Use Plan identifies the appropriate use of the property as commercial. As previously noted, the property directly to the south is currently zoned General Commercial District. Rezoning this property to General Commercial District will allow general commercial development along both sides of East Stumer Road. East Stumer Road is identified as a collector street on the City's Major Street Plan and as such provides adequate access for commercial uses. All abutting properties are zoned general commercial or office commercial. It does not appear that the proposed rezoning request will have an adverse affect.

Please note that this property is located adjacent to a collector street which supports commercial uses. The applicant also owns the property located further north along Shelby Avenue. The applicant should be aware that rezoning properties along Shelby Avenue, a sub-collector on the City's Major Street Plan, would not be supported as this is a residential street.

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.*

Utilities are in place to serve the anticipated commercial uses in the area as per the City's Community Facilities Plan. The City's Major Street Plan identifies East Stumer Road as a collector street which is designed to accommodate commercial development. The City's adopted Comprehensive Plan identifies the future land use as Commercial. It appears that the proposed rezoning is consistent with the Development Plan of Rapid City.

The rezoning request meets the four criteria for review of zoning map amendments as per Section 17.54.040(D)(1). As such, staff recommends that the rezoning from Office Commercial District to General Commercial District be approved.

Notification Requirement: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the April 5, 2012 Planning Commission meeting if these requirements have not been met.