

STAFF REPORT

April 5, 2012

No. 12RZ006 - Rezoning from Office Commercial District to General Commercial District

ITEM 8

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. 12RZ006 - 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 northerly bevel corner at the northeast corner of the intersection of East Stumer Road and Shelby Avenue consisting of a "Hanson #6251" cap thence N0°07'54"E along the east side of Shelby Avenue a distance of 250.29' to the PC of a left-hand curve with a radius of 226.00' and a length of 104.28' to the PT, thence N26°18'10"W 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' to the PT, thence N0°07'55"E a distance of 88.53' to a point on the 1/16 line, thence S89°46'12"E a distance of 282.46' to a point, thence S26°36'14"E a distance of 82.96' to a point, thence S67°14'54"E a distance of 39.35' to a point, thence N87°22'06"E a distance of 269.40' to a point on the 1/16 section line, thence S0°06'32"E a distance of 605.05' to a point, thence N89°52'06"W a distance of 395.73' to a point on a non-tangent left-hand curve with a radius of 430.00, a length of 66.48', a chord bearing of N85°42'10"E and a chord length of 66.41' along the south side of East Stumer Road R.O.W. to a point on the curve, thence N8°43'33"W across the R.O.W. a distance of 60.00' to a point on a curve on the north R.O.W. of East Stumer Road, thence through a non-tangent right-hand curve with a radius of 370.00, a length of 57.20', a chord bearing of S85°42'10"W, and a chord length of 57.14' to the PT, thence N89°52'06"W a distance of 131.00', thence N44°52'06"W a distance of 19.80' to the Point of Beginning
PARCEL ACREAGE	Approximately 7.97 acres
LOCATION	At the northeast corner of the intersection of East Stumer

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Road and Shelby Avenue

EXISTING ZONING Office Commercial District

SURROUNDING ZONING

 North: Medium Density Residential District

 South: General Commercial District (Planned Development Designation)

 East: General Agriculture District

 West: Office Commercial District

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 10, 2003, the City Council approved a Planned Development Designation (File #03PD009) which includes the southeast corner of the above legally described property. An Initial and Final Planned Commercial Development will be needed prior to issuance of a building permit for this area of the property.

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.

The property is located northeast 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

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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 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. Property located to the south is zoned General Commercial District. The property located to the east is also requesting a rezoning from Office Commercial District to General Commercial District. The property to the east is zoned General Agriculture District and the City's adopted Future Land Use Plan identifies the appropriate use of the property as commercial. Property located to the north of the above legally described property is zoned Medium Density Residential District and is also owned by the applicant. The applicant has indicated that a multi-family development or other uses allowed in the Medium Density Residential District will be constructed on this property to provide a transition between the proposed general commercial uses located to the south and the existing single-family uses located to the north.

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. 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*

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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.