

STAFF REPORT
October 25, 2012

No. 12RZ018 - Rezone from General Commercial District to Medium Density Residential District **ITEM 3**

GENERAL INFORMATION:

AGENT	James and Kelly Commet
PROPERTY OWNER	James and Kelly Commet
REQUEST	No. 12RZ018 - Rezone from General Commercial District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 4 and 5 of Block 22 of West Boulevard Addition located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 acres
LOCATION	809 Saint Andrew Street
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Medium Residential District
South:	Medium Residential District - General Commercial District
East:	General Commercial District
West:	Medium Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	September 7, 2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning request from General Commercial District to Medium Density Residential District be **approved**.

GENERAL COMMENTS:

(Update October 25, 2012. All revised and/or added text is shown in bold.) This item was continued at the October 4, 2012 Planning Commission meeting to allow the legal notice to be corrected and re-advertised. The proposed Rezoning request has been correctly advertised. As such, staff recommends that this item be approved.

The applicant has submitted a Rezoning request to change the zoning designation of the

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above legally described property from General Commercial District to Medium Density Residential District. The applicant has also submitted an Amendment to the Comprehensive Plan (File #12CA007) to change the land use designation from Commercial to Residential. The applicant recently purchased the property and proposes to continue using the existing structure as a dwelling. A single family residence is not a permitted use in the General Commercial District. The current use of the property as a single family residence is considered legal non-conforming. In order to bring the use of the property into conformance with the Zoning Ordinance the applicant is proposing to rezone the above legally described property to Medium Density Residential District.

The property was zoned Restricted Highway Service District in 1968. On November 3, 1975, the City Council approved a rezoning request from Restricted Highway Service District to Highway Service District. On September 19, 1977, the City Council approved a rezoning request from Highway Service District to General Commercial District.

The property is located on the south side of Saint Andrew Street approximately 150 feet east of the intersection of Saint Andrew Street and Mount Rushmore Road. Currently, a one-story residential structure is located on the property.

STAFF REVIEW:

The legal notice for this Rezoning application was advertised with an incorrect legal description. As such, the legal notice must be corrected and re-advertised for the next available Planning Commission meeting on October 25, 2012.

Even though the item must be continued, Staff has reviewed this proposed rezoning request 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.*

Currently, it does not appear that there are any substantially changing conditions in the area. However, since a commercial corridor was secured in 1977 along Mount Rushmore Road, the area has not developed as anticipated. A single-family residence exists on the property and the applicant is proposing to continue the existing use.

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

The Rapid City Municipal Code states that the Medium Density Residential District is intended to provide housing for medium to high density populations. The uses of land may range from single family residences to multi-family apartments. The Rezoning request is located in an area bordered to the east by a commercial corridor, and to the west by residential development. Medium density residential development can provide a transition between residential and commercial development. It appears that the Rezoning request is consistent with the intent and purpose of the Zoning Ordinance.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall*

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any direct or indirect adverse effects result from such an amendment.

Saint Andrew Street is classified as a sub-collector street. Mount Rushmore Road, located to the east of the property, is classified as a principal arterial on the City's Major Street Plan. The location of the property in proximity to a principal arterial street makes it desirable for a higher intensity of use. A Medium Density Residential District will create lower intensity of use in proximity to the commercial corridor adjacent to Mount Rushmore Road, but may provide a transitional buffer between the residential development to the west and the commercial development to the east. It does not appear that the proposed amendment will adversely affect any other part of the City.

- 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 requested Rezone is for a part of the City in a fully developed section of town, served by Rapid City water and sewer services. The Future Land Use Plan shows that development in this area is primarily designated residential with a small portion designated as commercial. One of the goals of the Future Land Use Plan is to maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods by providing an adequate supply of land for multi-family development in order to protect the character of established neighborhoods with high density residential zoning. It appears the Rezoning request is consistent with the development plan.

Summary: Staff recommends that the Rezoning application from General Commercial District to Medium Density Residential District be continued to the October 25, 2012 Planning Commission meeting to allow the item to be advertised correctly.

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

Notification: An incorrect legal description was advertised for the October 4, 2012 Planning Commission meeting. Staff will be sending out the certified mailings for the October 25, 2012 Planning Commission meeting. The required sign is posted on the property.