

STAFF REPORT  
April 24, 2014

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**No. 14RZ003 - Rezoning from Medium Density Residential District to General Commercial District**      **ITEM 6**

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GENERAL INFORMATION:

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|-----------------------------|--|
| APPLICANT                   | Shawn Brinkman   |
| PROPERTY OWNER              | Shawn Brinkman   |
| REQUEST                     | <b>No. 14RZ003 - Rezoning from Medium Density Residential District to General Commercial District</b>                            |
| EXISTING LEGAL DESCRIPTION  | Lots 11 and 12 of Block 3 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE              | Approximately 0.13 acres   |
| LOCATION                    | 607 E. Madison Street  |
| EXISTING ZONING             | Medium Density Residential District  |
| FUTURE LAND USE DESIGNATION | Commercial   |
| SURROUNDING ZONING          |  |
| North:                      | General Commercial District  |
| South:                      | General Commercial District  |
| East:                       | Medium Density Residential District  |
| West:                       | General Commercial District  |
| PUBLIC UTILITIES            | Rapid City water and sewer   |
| DATE OF APPLICATION         | March 25, 2014   |
| REVIEWED BY                 | Robert Laroco / Nicole Lecy  |

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant has submitted a request to rezone approximately 0.13 acres of property from Medium Density Residential District to General Commercial District. The applicant currently owns three additional properties adjacent to the subject property to the west and south. The three adjacent properties are currently developed with an auto sales lot. The applicant would like to use the fourth property as a parking and display lot for the auto sales business. Auto sales and display are not a permitted use in the Medium Density Residential District. As such, the applicant has submitted this request to rezone the property.

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The property is located at 607 East Madison Street, approximately 50 feet east of the intersection of North La Crosse Street and East Madison Street. The property was formerly developed with a single-family residence. However, the structures on the property have been demolished and the property is currently void of structural development.

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.

*The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

The area is currently developing with a mix of commercial and residential uses. The area is located within the North La Crosse Street commercial corridor, and residential uses are located to the east of the property. Property to the north, west, and south are developed with commercial uses. The property owner is proposing to expand the existing commercial uses located within the corridor. The continued development of the La Crosse Street commercial corridor represents changing conditions in the area.

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

The General Commercial District is intended to provide for the personal and business services and general retail business of the City. The proposed zoning is consistent with the intent and purpose of the ordinance.

*The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such amendment.*

The applicant should be aware that the property has a non-conforming sewer service. If a new sewer service is proposed or if the existing service fails, the non-conforming sewer service will need to be reconstructed in compliance with the Rapid City Standard Specifications, to include the extension of public sewer main.

The property is currently void of structural development. Property to the east is zoned Medium Density Residential District and is also developed with a mix of residential uses. The proposed Rezone will create an increase in the intensity of use on the property. However, the Rapid City Future Land Use Plans shows that the property is appropriate for commercial development. The requested Rezone will allow the property to come into compliance with the City's adopted Future Land Use Map. Currently, the neighboring properties adjacent to North La Crosse Street are developed with a variety of commercial uses. La Cross Street is a Principal Arterial Street on the City's Major Street Plan, appropriate for commercial development. The requested rezone will allow the property to be utilized as a part of the auto sales lot adjacent to North La Crosse Street. It does not appear that the proposed amendment will adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.

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*The proposed amendment shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

North La Crosse Street is classified as a Principal Arterial Street on the City's Major Street Plan. The requested rezone will allow the property to be developed with commercially zoned properties adjacent to North La Crosse Street. The property is currently designated for commercial use on the City's Future Land Use Plan and, as such, no amendment to the Comprehensive Plan is required. The requested rezone is consistent with the City's adopted Future Land Use Plan.

The approval of this request to rezone the property does not imply that public infrastructure is available to support any proposed commercial use. Specifically, the provision of sufficient water to meet fire flow requirements and sanitary sewer will need review at the time of development of the property. The applicant should note that at the time that the property is developed, the Rapid City Fire Department and Public Works will need to be consulted to determine if public infrastructure is available to support the proposed uses.

The Rapid City Fire Department has not noted any concerns with the requested Rezone.

The request meets all the criteria for an amendment to the Zoning Ordinance. The continuing development of the area with a variety of commercial uses represents changing conditions in the area. The request is in compliance with the Future Land Use Plan. Future Development of the property must be in compliance with the requirements of the Rapid City Municipal Code and the Infrastructure Design Criteria Manual. For these reasons, staff recommends that the request to rezone the property from Medium Density Residential District to General Commercial District be approved.

**NOTIFICATION REQUIREMENTS:** The notification letters have been returned to Community Planning and Development Services for mailing. The sign has been picked up, however as of this writing staff cannot confirm that the sign has been posted on the property. Staff will inform the Planning Commission at the April 24, 2014 Planning Commission meeting is this requirement has not been met. As of this writing, there have been no inquiries into the requested rezone.