



Rapid City Planning Commission

Rezoning Project Report

June 4, 2015

Applicant Request(s)
Case # 15RZ011- A request to rezone property from Neighborhood Commercial District to General Commercial District
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
The request to rezone property from Neighborhood Commercial District to General Commercial District should be denied.

Project Summary Brief
The applicant has submitted a request to rezone approximately 1.7 acres of property from Neighborhood Commercial District to General Commercial District. Today the property is developed with a convenience store with gas sales and a retail shopping center providing neighborhood services. The applicant has indicated that the rezoning of the property is the first step to additional development of the property with an on-sale liquor establishment in conjunction with a casino and a car wash.

Applicant Information	Development Review Team Contacts
Applicant: M.G. Oil Company, Troy Erickson	Planner: Robert Laroco
Property Owner: M.G. Oil Company	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Janet Kaiser
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	310 Fairmont Boulevard, northwest of the intersection of Elm Avenue and Fairmont Boulevard
Neighborhood	Downtown/Skyline Drive neighborhood
Subdivision	Robbinsdale No. 7 Subdivision
Land Area	1.7 acres (74,052 square feet)
Existing Buildings	Convenience store, gas canopy, garage, retail center
Topography	Level, graded lot
Access	Elm Avenue, East Fairmont Boulevard, East Fairlane Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power, Montana-Dakota Utilities
Floodplain	Property located in the Federally Designated 100 Year Floodplain
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	NCD	MUC	Convenience store with gas sales, retail center
Adjacent North	LDR, MDR/PDO	LDN	Single family residential
Adjacent South	LDR	LDN	Single family residential
Adjacent East	MDR, MDR/PDO	UN	Assisted living facility, open space
Adjacent West	LDR	LDN	Single family residential

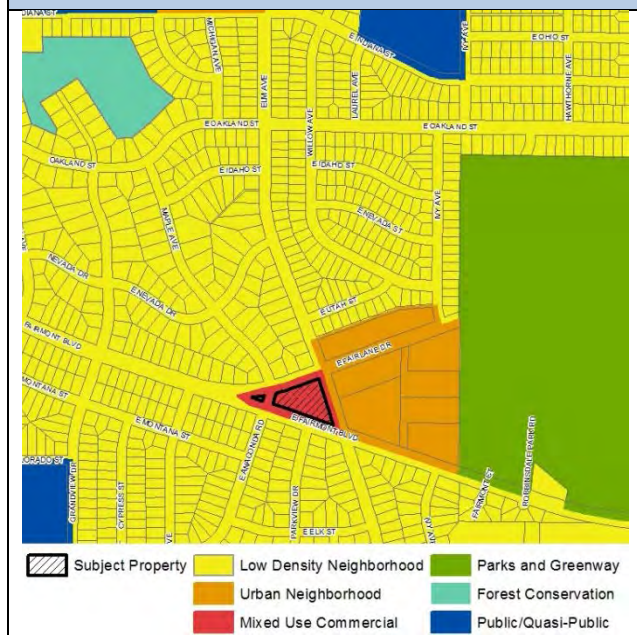
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
03RZ023	7/7/03	Rezone from Neighborhood Commercial District to General Commercial District	Denied
99DU001	6/10/99	Determination of use to allow a tattoo parlor in the Neighborhood Commercial District	Denied
Relevant Zoning District Regulations			
Please note: A site plan has not been submitted as a part of this application. Site review completed with the best information available to staff.			
General Commercial District	Required	Existing	
Lot Area	No minimum	1.7 acres (74,052 square feet)	
Lot Frontage	No Minimum	Approximately 1,133 feet	
Maximum Building Heights	4 stories, 45 feet	2 stories, total height unknown	
Maximum Density	75% maximum lot coverage	Approximately 26%, 18,800 square feet	
Minimum Building Setback:			
<ul style="list-style-type: none"> • Front 	25 feet	Approximately 8 feet	
<ul style="list-style-type: none"> • Rear 	When serviced from the rear- 30 feet When abutting a residential district- a minimum 15 feet In all other cases no rear yard setback required	N/A	
<ul style="list-style-type: none"> • Side 	0 feet; when abutting a residential district, minimum 25 feet	N/A	
<ul style="list-style-type: none"> • Street Side 	25 feet	Approximately 15 feet to Maple Street Approximately 30 feet to East Fairlane Drive Approximately 25 feet to Elm Avenue	
Minimum Landscape Requirements:			
<ul style="list-style-type: none"> • # of landscape points 	Pursuant to Rapid City Landscaping Ordinance	Cannot be determined with the submitted information	
<ul style="list-style-type: none"> • # of landscape islands 	Pursuant to Rapid City Parking Ordinance	No landscaping islands are shown	
Minimum Parking Requirements:			
<ul style="list-style-type: none"> • # of parking spaces 	Pursuant to Rapid City Parking Ordinance	Cannot be determined with the submitted information	
<ul style="list-style-type: none"> • # of ADA spaces 	Pursuant to Rapid City Parking Ordinance	Cannot be determined with the submitted information	
Signage	Pursuant to Rapid City Sign Code	Cannot be determined with the submitted information	
Fencing	Screening required abutting residential district. All signage pursuant to Rapid City Municipal Code	Cannot be determined with the submitted information	

Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 17.54.040.D of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to Rezone:




Criteria	Findings
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.	On July 7, 2003, the City Council considered a request to rezone the property from Neighborhood Commercial District to General Commercial District. The City Council denied the request, citing that the increased intensity of use was inappropriate for the residential nature of the surrounding neighborhood. Since that time, the development of the neighborhood has not changed and there are no substantially changing conditions on the property which would necessitate the requested change in zoning.
2. The proposed amendments shall be consistent with the intent and purposes of this title.	The Neighborhood Commercial District exists in order to provide a zoning district for commercial uses which serve the population of the immediate neighborhood. The General Commercial District is for the personal and business services and general retail business of the city. The existing retail center is comprised of a number of businesses which serve the immediate neighborhood, including a convenience store with gas sales, a diner, and a beauty salon. The requested change in zoning could result in an increase in the types and intensity of the uses permitted on the property, resulting in a commercial site meant to accommodate city-wide commercial businesses. Based on the proximity of residential development to the property and the determination that the site is appropriate for neighborhood commercial uses rather than general commercial uses, the proposed amendment is not consistent with the intent and purpose of the Zoning Ordinance.
3. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.	<p>The requested rezone could create an increase in the intensity of uses located on the property, which could result in an increase in traffic on adjacent streets. In addition, the potential increase in the intensity of uses on the property may result in an increase in runoff, noise, and traffic in the neighborhood.</p> <p>The property is located within the Federally Designated 100 Year Floodplain. The applicant should note that future additions or expansions of existing structures or any new development on the site will require that all construction on the site comply with the requirements of the floodplain regulations.</p> <p>The proposed rezone would permit on-sale liquor establishments to be located on the property as conditional uses. The property is surrounded by residential development and is located approximately 900 feet west of an existing park. Based on the above reasons, it appears that the proposed amendment could adversely affect the neighborhood, the area street network, and the adjacent properties.</p>

<p>4. The proposed amendments 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.</p>	<p>The adopted Future Land Use Plan shows this property as appropriate for mixed use commercial development. The mixed use commercial land use designation includes both Neighborhood Commercial District and General Commercial District as appropriate zoning districts within this land use designation if supported by the characteristics of each specific site. However, given the proximity of the property to existing single family residential uses, as well as the fact that nothing has changed since the previous determination by City Council that a higher intensity of use is not appropriate for the area, the Neighborhood Commercial District is the appropriate commercial zoning district for the property today.</p>

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	<p>A Balanced Pattern of Growth</p>
<p>BPG-3.1A</p>	<p>Balanced Uses: The existing character of the neighborhood includes a variety of residential uses surrounding a small node of commercial serving the immediate area. The existing character of the neighborhood provides a balance of uses which benefits the neighborhood. The requested rezoning will result in an increase the intensity of commercial uses located within a residential neighborhood, which does not provide a balanced pattern of development.</p>
	<p>A Vibrant, Livable Community</p>
<p>LC-2.1E</p>	<p>Neighborhood Serving Uses: The proposed rezoning will create a general commercial node meant to provide high intensity commercial services directed toward the city as a whole. The proposed rezoning does not support the incorporation of small-scale uses, mixed-uses, and service-uses to meet the daily needs of neighborhood residents and does not meet the objective of establishing a neighborhood which meets the needs of the residents.</p>
	<p>A Safe, Healthy, Inclusive, and Skilled Community</p>
<p>SHIS-3.1A</p>	<p>Pedestrian and Bicycle Networks: The subject property is well-connected to the neighborhood via sidewalk on all property lines and directions. The property is located northwest of the intersection of two Minor Arterial Streets on the City's Major Street Plan. However, at this time there are no bicycle lanes located on the adjacent streets.</p>
	<p>Efficient Transportation and Infrastructure Systems</p>
<p>TI-2.1C</p>	<p>Context Sensitive Solutions: The requested rezone creates a commercial node located at the intersection of two arterial streets which are both served by the Rapid Ride transit system. However, the single family residential uses in the surrounding neighborhood and the existing land uses on the property indicate</p>

	that property is better suited for lighter commercial uses than are typical of the General Commercial District. It appears that the transportation systems existing in the area are already serving the area neighborhood in a context-sensitive manner.
	Economic Stability and Growth
EC-3.1C	Other Employment Areas: The existing zoning on the property supports the objective of providing limited, neighborhood-serving commercial and employment opportunities in low density residential neighborhoods.
	Outstanding Recreational and Cultural Opportunities
N/A	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	The development review process requires that an applicant requesting to rezone property must post a sign on the property and notify property owners within 250 feet of the boundaries of the property of the request. This process allows the public to provide input into the development review process and impact the character and future of their neighborhoods. As of this writing, the applicant has received one phone call in opposition to the requested rezoning.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed rezoning promotes the concentration of activity-generating uses at a key intersection near mass transit routes located on arterial streets on the City Major Street Plan. However, it should be noted that both the Neighborhood Commercial District and the General Commercial District are listed as appropriate zoning districts for property located within the Mixed Use Commercial future land use designation. Based on the existing uses located on the property and location of the property in a primarily low density residential neighborhood, it appears that Neighborhood Commercial District is the appropriate zoning designation for the property at this time.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive
Neighborhood Goal/Policy:	
DSD-NA1.1C	Mixed-Use Development: The proposed rezoning would promote general commercial uses within a primarily residential area. However, mixed-use development must be sensitive to the context and condition of the surrounding neighborhood. Based on the nature of adjacent uses as primarily low density residential uses, it appears that a lighter intensity of commercial uses would best serve the neighborhood. It appears that the existing zoning designation promotes mixed-use development in balance with the character of the surrounding neighborhood.

Summary

Staff has reviewed the requested rezoning and has noted the following concerns:

- Previous decisions by City Council have determined that the General Commercial District and uses permitted or conditional in the General Commercial District may not be appropriate for this location. No changes to the neighborhood have occurred which would necessitate this rezone.
- The proposed amendment could have an adverse impact on the neighborhood, the area street network, and adjacent properties.
- The increased intensity of uses does not support the Comprehensive Plan Objective to provide a balanced pattern of development in the City.
- The introduction of general commercial uses does not support the Comprehensive Plan Objective to promote the development of small-scale uses, mixed uses, and service-based uses which serve the day-to-day needs of the immediate neighborhood.
- The increased intensity of uses does not support the Comprehensive Plan Objective to create context-sensitive solutions which provide development in the context of and sensitive to the surrounding neighborhood.
- The increased intensity of uses does not support the Comprehensive Plan Objective to provide limited, neighborhood-serving commercial and employment opportunities for the neighborhood.
- Given the character of the surrounding neighborhood as primarily single family residential development, the potential for increase adverse impacts resulting from an increase intensity of uses on the property, the pedestrian and bicycle-friendly connectivity of the neighborhood, and the existing, lighter-intensity, mixed-use development of the property, it appears that the Neighborhood Commercial District is the appropriate zoning district for the property today.

Based on these reasons, staff recommends that the request to rezone to the property from Neighborhood Commercial District to General Commercial District be denied.