

STAFF REPORT

August 9, 2001

**No. 01RZ045 - Rezoning from Low Density Residential District to
General Commercial District**

ITEM 40

GENERAL INFORMATION:

PETITIONER	Qusi Al Haj
REQUEST	No. 01RZ045 - Rezoning from Low Density Residential District to General Commercial District
LEGAL DESCRIPTION	Lot A and Lot B less the South 8.5 feet of Block 28 and all of Block 25R, Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.90 acres
LOCATION	East of Haines Avenue between Wright Street and Curtis Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Low Density Residential District
West:	General Commercial District w/PCD
PUBLIC UTILITIES	City Water and Sewer
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Rezoning from Low Density Residential District to General Commercial District be approved.

GENERAL COMMENTS: The petitioners are proposing to rezone this property from Low Density Residential to General Commercial. All of the property is vacant. All the adjacent property to the north across Wright Street is zoned General Commercial and the adjacent property to the south of Curtis Street is zoned General Commercial. The property to the west of the requested rezoning is zoned General Commercial with a Planned Commercial Development and is the present location of Microsolutions computer and automatic teller machine.

In 1996, the applicant along with several other property owners requested to rezone Block 25, the two parcels to the east, and the two parcels adjacent to Haines Avenue to General Commercial. Staff and the Planning Commission supported the rezoning request with the exception of the furthestmost east property. However, the City Council did not support the rezoning request without a Planned Commercial Development. The applicant subsequently, rezoned the two parcels adjacent to Haines Avenue and a portion of Block 25 to General

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Commercial with a Planned Commercial Development. The City Council requested the Planned Commercial Development due to concerns raised by the neighborhood. One of the major factors was the addition of any additional on-sale liquor establishments in this area. The neighbors were very opposed to the potential addition of any additional establishments in the area. The Planned Commercial Development helped control the type of use(s) that could occur on the property.

STAFF REVIEW: Staff has reviewed this 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 is as follows:

1. *The proposed amendment shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

This portion of Haines Avenue has seen an increasing trend towards commercial zoning over the past decade. The South Dakota Department of Transportation is completing the Haines Avenue interchange project. An urban interchange has been constructed allowing greater capacity for Haines Avenue. Haines Avenue will be increased from a two lane under the Interstate 90 to a seven lane facility.

Prior to 1989, large portions on the west side of Haines Avenue north of Anamosa Street were rezoned to General Commercial, although much of the eastern side of Haines Avenue remained zoned as Low Density Residential. In 1989 the City approved a rezoning which resulted in most of the property on the east side of Haines Avenue north of Anamosa Street being rezoned to General Commercial to a depth of approximately one-half block. The area included in the present zoning amendment request is the last property on the east side of Haines Avenue north of McArthur Street and south of I-90 that is still residentially zoned. The proposed rezoning request is consistent with the depth of commercial zoning along the east side of Haines Avenue.

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

The purpose of the General Commercial Zoning District is to provide "...for personal and business services and the general retail business of the city." Staff believes that the intent of the General Commercial Zoning District can be met by the rezoning request. Haines Avenue is classified as a principal arterial in this area and commercial land uses are appropriate along such a road.

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.*

Staff does not foresee any adverse impacts resulting from the rezoning to General Commercial for Lots 25, 26, and 27. As stated earlier, however, Staff is concerned that rezoning Lot 24 to General Commercial could result in negative impacts to residential areas

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directly to the east and south. Increased noise, traffic, and light are some of the potential adverse effects.

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.*

Staff does not believe that any conflicts with these documents will occur as a result of the rezoning request. The North Rapid Neighborhood Area Future Land Use Plan identifies the subject property as appropriate as for General Commercial land uses. Haines Avenue is identified as a principal arterial. Federally designated floodplain has been identified on a portion of Lot A and B less the South 8.5 feet of Block 28. No detailed studies have been completed for the this floodplain. The development of the property will need to meet all the requirements of the Flood Area Construction Regulations.

The required rezoning signs have been posted on the property. The green cards from the certified mailing have not yet been returned by the petitioner. Staff has received two telephone inquiries regarding this request.