

STAFF REPORT

April 8, 2004

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**No. 04RZ013 - Rezoning from Low Density Residential District to General Commercial District**      **ITEM 31**

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GENERAL INFORMATION:

PETITIONER	GELD, LLC
REQUEST	<b>No. 04RZ013 - Rezoning from Low Density Residential District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Block 1, GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.23 acres
LOCATION	West of Haines Avenues and north of Disk Drive
EXISTING ZONING	Low Density Residential District/General Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District w/PDD
South:	General Commercial District
East:	General Commercial District w/PDD
West:	Low Density Residential District w/PDD
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	03/18/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan for the following legal description: That portion of Lot 1, Block 1 of Geld Subdivision that was previously described as the portion of the unplatted balance of the NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota lying north of Parcel 8 of the N1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

GENERAL COMMENTS: The subject property is located north of Disk Drive approximately 150 feet west of Haines Avenue. The property was annexed into the City of Rapid City in 1985. The portion of the property the rezoning is requested for is currently zoned Low Density Residential. The remainder of the property is zoned General Commercial. The property is bordered by General Commercial property to the south and east. The property located to the north and west is zoned Low Density Residential. The applicant is requesting that the subject property be rezoned from Low Density Residential to General Commercial to bring continuity to the property and allow it to be used for commercial development.

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The applicant has also submitted a request to amend the Land Use Plan from Residential to Neighborhood Commercial

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 in general.*

The subject property was annexed into the City of Rapid City in 1985. The subject property is currently void of any structural development. The property is located in an area with numerous General Commercial zoned properties. The relocation of the existing gas line to the property to the north, the recent platting of the property into separate parcels, and the extension of Disk Drive to the west justify the rezoning of this property.

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

General Commercial Zoning Districts are intended to provide for personal and business services and the general retail businesses of the city. This area of the city, north of the interstate and along Haines Avenue is an increasing area of commercial development. The adjacent properties located to the south and east are currently zone General Commercial. Due to the existing zoning of the adjacent properties, rezoning this portion of the property would appear to be 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 subject property is located adjacent to a Low Density Residential Zoning District on the north and west. The change from Low Density Residential to General Commercial will generate 6,570 more average daily trips which is an increase of 350 percent. However, the residential properties located to the north and west will not be affected by the increase in traffic along Disk Drive. Staff noted that the Low Density Residential property located to the north and west is located within a Tax Increment District. As part of that Tax Increment District, a landscape buffer is required which would screen the residential properties located to the north and west from any commercial development.

*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 Comprehensive Plan identifies the subject property as appropriate for a Residential Zoning District. As previously indicated the applicant has also submitted a request to amend the Land Use Plan from Residential to General Commercial.

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Staff recommends the Rezoning request be approved in conjunction with the associated Amendment to the Comprehensive Plan