

STAFF REPORT  
September 20, 2007

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**No. 07RZ050 - Rezoning from Neighborhood Commercial District to  
General Commercial District**

**ITEM 45**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07RZ050 - Rezoning from Neighborhood Commercial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	The west 250 feet of Lot 2 of Hansen Heights, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.74 acres
LOCATION	320 East St. Patrick
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Neighborhood Commercial District
East:	General Commercial District
West:	Neighborhood Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/7/2007
REVIEWED BY	Loren Fuhrmann / Mary Bosworth/ <b>Marcia Elkins</b>

RECOMMENDATION:

**Staff recommends denial of the request to rezone the property from Neighborhood Commercial to General Commercial without prejudice.**

GENERAL COMMENTS:

**This staff report has been revised as of September 14, 2007. All revised and/or added text is shown in bold print. This item was continued at the September 6, 2007 Planning Commission at the applicant's request. The applicant has submitted a Planned Development Designation request in an effort to obtain the Planning Commission's approval of the requested rezoning. The Planned Development Designation was approved with the stipulation that it would only become effective upon approval of the rezoning request.**

This staff report has been revised as of August 30, 2007. All revised and/or added text is shown in bold print. This item was continued at the August 23, 2007 Planning Commission meeting at

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the applicant's request to allow the developer to explore additional options. On August 22, 2007, the applicant submitted a Planned Development Designation application to be considered in conjunction with the Rezoning request. Staff is currently reviewing the request and will bring forward a recommendation to the Planning Commission at the September 6, 2007 Planning Commission meeting.

This staff report has been revised as of August 15, 2007. All revised and/or added text is shown in bold print. This item was continued at the August 9, 2007 Planning Commission meeting at the applicant's request to allow the developer to explore additional options. The applicant has indicated that they will be submitting a Planned Development Designation application in the near future. Staff is recommending that the request be continued to the September 6, 2007 Planning Commission meeting to allow the applicant to submit that request and allow the Planning Commission to consider the request at that time.

The staff report has been revised as of August 3, 2007. All revised and/or added text is shown in bold print. This item was continued at the July 26, 2007 Planning Commission meeting at the applicant's request to allow the developer to explore additional options. The applicant has indicated that they will be submitting a Planned Development Designation application in the near future. Staff is recommending that the request be continued to the August 23, 2007 Planning Commission meeting to allow the applicant to submit that request and allow the Planning Commission to consider the request at that time.

The staff report has been revised as of July 16, 2007. All revised and/or added text is shown in bold print. This item was continued to the July 26, 2007 Planning Commission by the staff. The applicant's representative met with City staff to review the proposed uses of the site, the appropriate zoning of the property and the compatibility with the adjacent residential landowners. The applicant has requested that this item be continued to the August 9, 2007 Planning Commission meeting.

The property is located at 320 East Saint Patrick Street, northeast of the intersection of East Saint Patrick Street and Elm Avenue. This property contains approximately 1.74 acres. A vacant building, formerly occupied by Rising Star Gymnastics, is currently located on the property. The property is located within the municipal boundaries of the City of Rapid City.

The applicant is requesting that the property be rezoned from Neighborhood Commercial District to General Commercial District. The land located north of the proposed rezoning site is zoned Low Density Residential District. The land located east of the proposed rezoning site is zoned General Commercial District. The land located south of the proposed rezoning site is zoned Neighborhood Commercial District. The land located west of the proposed rezoning site is zoned Neighborhood Commercial District.

On September 20, 2001 the Planning Commission recommended denial of the application for a Rezoning from Neighborhood Commercial District to General Commercial District (#01RZ053) for the property located to the east of the subject property. However, on October 1, 2001, the City Council approved the application for a Rezoning from Neighborhood Commercial District to General Commercial District for the property located to the east of the subject property.

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STAFF REVIEW:

The applicant's representative has requested a meeting with City staff to review the proposed uses of the site, the appropriate zoning of the property and the compatibility with the adjacent residential landowners. For this reason, staff recommends that this request be continued to the July 26, 2007 Planning Commission meeting.

Staff has noted that the mailing receipts and green cards have been returned to the Growth Management Department. The proper sign has been posted on the subject property.

Staff recommends that the Rezoning from Neighborhood Commercial District to General Commercial District be continued to the July 26, 2007 Planning Commission meeting.

As noted above, staff will bring forward a recommendation to the Planning Commission at the September 6, 2007 Planning Commission meeting.

**Staff has reviewed the proposed rezoning request for conformance with the four (4) criteria for the review of zoning map amendments established in Section 17.54.040(D)(1) of the City's adopted Zoning Ordinance. A summary of Staff findings follows 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 area in question has changed significantly over the past 50 years. The commercial development in the area originally provided commercial services to the larger community including grocery stores and hardware stores along with other retail uses serving the entire community. The area now serves a much smaller neighborhood area. The changing conditions in the area suggest that rather than making the proposed rezoning necessary, the current Neighborhood Commercial zoning appears to be most appropriate. Neighborhood commercial zoning will allow the property to be used to serve the surrounding neighborhood consistent with most of the uses in the surrounding area.

It should be noted that the property to the east was rezoned to a General Commercial Zoning designation in 2001 contrary to the recommendation of the staff and the Planning Commission. It is interesting that the uses that have located in the building on the adjacent property remain uses that primarily serve the local neighborhood and do not provide services to the community at large.

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

The stated general description of the General Commercial Zoning District is: "This commercial district is for personal and business services and the general retail business of the city. In contrast, the general description of the Neighborhood Commercial district is: "This district is established to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area. As noted above, the other commercial activities in the vicinity generally

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serve the surrounding neighborhood population rather than serving the larger community. The existing zoning appears to provide the best fit for the kinds of activities that are occurring in the area. The applicant has not identified any proposed use at this time. It may be appropriate to delay any action on the requested rezoning until such time as a specific use is proposed. At that time, further consideration could be given as to whether or not the change in zoning was necessary and whether or not the proposed use would be consistent with the intent and purpose of the ordinance.

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

The property in question is located on an arterial street, St. Patrick Street. The land to the north is undeveloped. The land located to the east, south and west of the site of the site are currently developed with other commercial uses. Staff has not identified any significant adverse affects of the proposed rezoning that could not be addressed through the Planned Development review process. With the submission of the Planned Development Designation and its approval, any subsequent use will be reviewed to insure that there were no significant affects and that any identified impacts are mitigated to the greatest degree feasible.

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 Future Land Use Plan identifies the property in question as appropriate for Commercial Uses. The proposed rezoning is consistent with the adopted Comprehensive Plan, as is the existing zoning.

Based on compliance with the four criteria for the review of zoning map amendments established in the Rapid City Municipal Code, staff recommends denial of the request to rezone the west 250 fee of Lot 2 of Hansen Heights from Neighborhood Commercial to General Commercial.