

STAFF REPORT
February 21, 2008

**No. 07RZ058 - Rezoning from Medium Density Residential District
to General Commercial District**

ITEM 41

GENERAL INFORMATION:

APPLICANT/AGENT	Don Jiracek
PROPERTY OWNER	G/GSA Inc.
REQUEST	No. 07RZ058 - Rezoning from Medium Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 2 of Block 2 of North Boulevard Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 acres
LOCATION	409 West Boulevard
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Public District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/7/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: (Update February 13, 2008. All revised text is shown in bold.)

On February 12, 2008 staff met with the applicant to discuss the proposed rezoning. The applicant and the South Dakota Department of Transportation have indicated that the negotiations have ceased. On January 10, 2008, the Planning Commission continued this item to the February 7, 2008 Planning Commission meeting to allow the applicant and the South Dakota Department of Transportation to continue negotiations for the property. As of January 25, 2008, the South Dakota Department of Transportation indicated that they are still negotiating with the applicant. Staff recommends that this item be continued to the February 21, 2008 Planning Commission meeting to allow the applicant and the South Dakota Department of Transportation to continue negotiations for the property.

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The property contains approximately 0.16 acres and is located north of Philadelphia Street and west of Interstate 190. Currently, a single family residence is located on the property. The applicant is requesting that the property be rezoned from Medium Density Residential District to General Commercial District.

Land located north, south and west of the subject property is zoned Medium Density Residential District. The land north and south of the property is owned by the South Dakota Department of Transportation. Land located east of the subject property is zoned Public District and is the location of Central High School. The North Rapid Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses with a Planned Development Designation.

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.*

Staff is unaware of any substantially changing conditions within the area of the proposed amendment that would justify the current rezoning request. However, the South Dakota Department of Transportation currently owns the land to the north and south of the property and is in negotiations with the applicant to acquire the property for future reconstruction of the interchange for North West Boulevard and the Silver Street intersection.

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

The General Commercial Zoning District is intended to be used for personal and business services and the general retail business of the city. The North Rapid Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses with a Planned Development Designation. Rezoning the subject property from Medium Density Residential District to General Commercial District does appear to be consistent with the adopted Future Land Use Plan.

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.*

Infrastructure exists to serve the proposed commercial development. Staff recommends that prior to approval by the City Council, a Planned Development Designation application shall be submitted and approved for the subject property. The additional review provided by an Initial and Final Planned Unit Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

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The South Dakota Department of Transportation has acquired the surrounding properties and has indicated that this property is needed for the future reconstruction of the interchange of Interstate – 190 and Silver Street. The proposed rezoning would adversely affect the ability of the State of South Dakota to reconstruct this Interstate interchange in the future, adversely impacting the public safety and convenience of the traveling public and the Rapid City Community.

- 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 North Rapid Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses with a Planned Development Designation. However, the South Dakota Department of Transportation currently owns the land to the north and south of the property and is in negotiations with the applicant to acquire the property for future reconstruction of the interchange for North West Boulevard and the Silver Street intersection. As such, staff is recommending this item be continued to the December 6, 2007 Planning Commission meeting to allow the applicant and South Dakota Department of Transportation to continue negotiations for the property.

The South Dakota Department of Transportation has acquired the surrounding properties and has indicated that this property is needed for the future reconstruction of the interchange for North West Boulevard and the Silver Street intersection. As such, South Dakota Department of Transportation staff has recommended denial of the rezoning request.

The requested rezoning conflicts with the City of Rapid City's Major Street Plan and the South Dakota Department of Transportation's Long Range Transportation Improvement Plan.

In summary the requested rezoning does not comply with three of the four criteria for the review of a Zoning Map Amendment. For that reason the staff recommends denial of the rezoning request.

As of this writing the required sign has been posted on the property and the receipts from the certified mailing have been returned.