

STAFF REPORT

June 5, 2008

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**No. 08RZ016 - Rezoning from Light Industrial District to General Commercial District**

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GENERAL INFORMATION:

APPLICANT/AGENT	Double RF Development Co., LLC
PROPERTY OWNER	Robert K Fischer
REQUEST	<b>No. 08RZ016 - Rezoning from Light Industrial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	A parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.98 acres
LOCATION	At the northwest corner of the intersection of Deadwood Avenue and West Chicago Street
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District - Heavy Industrial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District - Light Industrial District
West:	Heavy Industrial District - Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/9/2008

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REVIEWED BY

Travis Tegethoff / Ted Johnson

#### RECOMMENDATION:

Staff recommends that the Rezoning from Light Industrial District to General Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial.

GENERAL COMMENTS: The applicant has submitted a Rezoning request to change the zoning designation of the property from Light Industrial District to General Commercial District. This undeveloped property contains approximately 0.98 acres and is located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street. In addition, the applicant has submitted an Amendment to the Adopted Comprehensive Plan (#08CA018) to revise the Future Land Use Plan from Light Industrial to General Commercial. Land located south and east of the property is zoned General Commercial District and Light Industrial District. Land located north of the property is zoned General Commercial District and Heavy Industrial District. Land located west of the property is zoned Light Industrial District and Heavy Industrial District. The adopted Long Range Comprehensive Plan indicates that this property is appropriate for Light Industrial land uses. The Draft Future Land Use Plan for the Deadwood Avenue Neighborhood indicates that this property is appropriate for General Commercial land uses.

On October 21, 1997, the applicant withdrew a Rezoning application (#1643) that was requesting rezoning the property from Light Industrial District to General Commercial District.

On November 15, 1999, City Council approved a Conditional Use Permit (#99UR040) with stipulations to allow a distribution and storage facility in excess of 5,000 square feet for the property. That structure was not constructed and the Conditional Use Permit has since expired.

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 changed or changing conditions of this area.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. The property in question is adjacent to existing general commercial development that transitions to various types of industrial uses. The property's location is in a relatively close proximity to a principal arterial street and appears to support

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the proposed General Commercial zoning. The proposed rezoning from Light Industrial District to General Commercial District is consistent with the surrounding zoning designations and the intent 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.*

Infrastructure has been constructed to serve the proposed commercial development. In addition, commercial development is established in the area. Staff has not identified any adverse effects that this rezoning request will have on the surrounding area or on the City.

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.*

Water and sewer services have been extended to the area and appear to be adequate to support the proposed commercial development. The adopted Future Land Use Plan indicates that this property is appropriate for Light Industrial. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. For this reason, staff is recommending approval of the rezoning request in conjunction with the associated Comprehensive Plan Amendment.

If the related Comprehensive Plan Amendment is approved, the rezoning of the property from Light Industrial District to General Commercial District will be consistent with the Comprehensive Plan.

Legal Notification: To date, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify Planning Commission at the June 5, 2008 meeting if the legal notification requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the rezoning from Light Industrial District to General Commercial District be approved.