

STAFF REPORT  
June 10, 2010

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**No. 10RZ034 - Rezoning from Medium Density Residential District to General Commercial District**      **ITEM 6**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mollers Limited Partnership
REQUEST	<b>No. 10RZ034 - Rezoning from Medium Density Residential District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ , a portion of the S $\frac{1}{2}$ of vacated St. Louis Street right-of-way, a portion of the east 10 feet of vacated Racine Street right-of-way, all located in Section 31, T2N, R8E, and the vacated alley located in Block 1 of Brennen And Sweeney Addition, in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 165.60 feet, to the northeasterly corner of Vacated Alley of Block 1, Brennen and Sweeney Addition; Thence second course: S00°05'14"W, along the easterly edge of said Vacated Alley, a distance of 62.12 feet; Thence third course: N89°56'48"W, along the southerly edge of said Vacated Alley, a distance of 20.00 feet; Thence fourth course: N00°05'14"E, along the westerly edge of said Vacated Alley, a distance of 62.11 feet; Thence fifth course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 265.11 feet; Thence sixth course: N00°02'43"E, a distance of 333.80 feet; to a point on the southerly boundary of Lot A of Blakes Addition; Thence seventh course: S89°30'42"E, along the southerly edge of said Lot A, a distance of 449.43 feet; Thence eighth course: S00°10'47"E, along the easterly boundary of said Tract B, a distance of 330.17 feet, to the southeasterly corner of said Tract B, and the point of beginning
PARCEL ACREAGE	Approximately 3.459
LOCATION	North of East Omaha Street between LaCrosse Street and Racine Street
EXISTING ZONING	Medium Density Residential District

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SURROUNDING ZONING

North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	Medium Density Residential District

PUBLIC UTILITIES      City water and sewer

DATE OF APPLICATION      4/30/2010

REVIEWED BY      Patsy Horton / Ted Johnson

**RECOMMENDATION:** Based on the Future Land Use Committee's recommendation on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from Medium Density Residential District to Office Commercial District be **approved in conjunction with a Planned Development Designation and the associated Comprehensive Plan Amendment.**

**GENERAL COMMENTS:** This property was zoned Medium Density Residential District in 1968. The application misidentified the existing zoning as Low Density Residential District. As such, staff recommends that the application be tabled to allow the required publication to be corrected to reflect the actual zoning designation.

**(Updated May 27, 2010. All revised and/or added text is shown in bold print.) This item was continued to the June 10, 2010 Planning Commission meeting to allow the required publication to be corrected to reflect the correct existing zoning designation.**

**In addition to this Rezoning application, the applicant has submitted applications for an Amendment to the Comprehensive Plan to change the land use designation on the property from Medium Density Residential and Mobile Home Park to General Commercial with a Planned Commercial Development (#10CA013 and #10CA014).**

**The applicant has also submitted an associated Comprehensive Plan Amendment application for the adjoining property to the west to change the land use designation from Medium Density Residential and Mobile Home Park to Office Commercial (#10CA015 and #10CA016). The companion Rezoning application (#10RZ035) proposes to change the zoning from Medium Density Residential District to Office Commercial District.**

**The applicant has also submitted a Preliminary Plat application (#10PL027) to realign the parcel lot lines and previously vacated right-of-way into two lots. Additionally, the applicant has submitted an application for a Vacation of Right-of-Way (#10VR002) to vacate approximately 253 feet of the Racine Street Right-of-way, located north of Omaha Street and west of LaCrosse Street. The right-of-way to be vacated extends north to south between Waterloo Street and LaCrosse Street, approximately 270 feet**

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north of Omaha Street.

**STAFF REVIEW:** On May 20, 2010, the Future Land Use Committee reviewed the proposed Comprehensive Plan Amendment from Medium Density Residential and Mobile Home Park to General Commercial with a Planned Commercial Development and recommended approval of the proposed change.

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 property is adjacent to an 8 unit apartment complex to the east, a 10 unit apartment complex currently under construction to the north, a car dealership to the southwest. The remaining surrounding property is vacant. Numerous mobile homes were removed from the property approximately 4 years ago and the property has been vacant since. The property is within close proximity to Rapid City's Indoor Recreation Center and Indoor Ice Rink. Staff has not identified any substantially changed or changing conditions to support the proposed change to the zoning district.

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

The General Commercial District is intended to provide a place for personal and business services and the general retail business of the city. Residential land uses are located north and east of the property. A car dealership is located to the southwest of the property. The Planned Commercial Development tool can be used to ensure an adequate buffer between the residential uses to the north and the proposed commercial uses. The proposed rezoning and zoning of the adjacent properties appear to be consistent with the intent and purposes of this ordinance. A Planned Commercial Development, as proposed by the applicant, will help to mitigate any significant negative impacts between the two land uses.

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 property included in the proposed change is currently vacant. Racine Street, a sub-collector street, is located adjacent to the property on the west side. East Omaha Street, a principal arterial street, is adjacent to the property on the south of the property. LaCrosse Street, a principal arterial street, is adjacent to the property on the east. The potential general commercial uses on the property would complement the existing and surrounding neighborhood uses. A Planned Commercial Development, as proposed by the applicant, will help to mitigate negative impacts between the two land uses. The proposed amendment will not

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adversely affect any part of the City, nor will there be any adverse effects resulting from this amendment.

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 Adopted Comprehensive Land Use Plan indicates that this area is appropriate for residential land uses. However, the Future Land Use Committee recommended approval of the associated Comprehensive Plan Amendments to change the land use designation from Medium Density Residential and Mobile Home Park to General Commercial with a Planned Commercial Development. If the accompanying Future Land Use Plan amendment is approved, the requested rezoning from Medium Density Residential District to General Commercial District would be consistent with the adopted Comprehensive Plan, provided the Planned Development Designation is also approved in conjunction with the Rezoning.

As of this writing, the required sign has been posted on the property. However, the receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission at the June 10, 2010 Planning Commission meeting if this requirement has not been met. Staff did not receive any inquiries regarding the request.