

STAFF REPORT  
October 24, 2013

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**No. 13RZ026 - Rezoning from Light Industrial District to General Commercial District**      **ITEM 7**

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GENERAL INFORMATION:

APPLICANT	Paula Efta
AGENT	Shawn Krull
PROPERTY OWNER	Delta Development, Inc.
REQUEST	<b>No. 13RZ026 - Rezoning from Light Industrial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Tract A of Landstroms Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.56 acres
LOCATION	412 Oshkosh Street
EXISTING ZONING	Light Industrial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Light Industrial District - General Commercial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	September 27, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant has submitted a request to rezone approximately 1.56 acres of property from Light Industrial District to General Commercial District. In the past, the existing structures on the property were a part of the Landstrom's jewelry manufacturing facilities, but the use on the property has since ceased. Interested parties are now proposing to develop the property as a health spa with a juice bar and yoga studio. A health spa and juice bar are permitted uses in the General Commercial District.

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The property is located south and east of the intersection of Oshkosh Street and West Rapid Street and is currently developed with a commercial/light industrial structure.

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.

*The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

The property is located southeast of the intersection of Oshkosh Street and West Rapid Street and is in an area that has recently been redeveloping with a variety of commercial and public uses. Property on the north side of Omaha Street is the location of the recently redeveloped Founders Park. In addition, property to the northwest has recently been rezoned from Light Industrial District to General Commercial District to accommodate redevelopment of an existing structure with a variety of commercial uses. The transition away from light industrial uses and towards commercial uses in the vicinity of the property constitutes changing conditions in the area.

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

The General Commercial District is intended to provide for the personal and business services and the general retail business of the City. The applicant has indicated that the property will be redeveloped as a health spa with a juice bar and yoga studio. A health spa, juice bar, and yoga studio are permitted uses in the General Commercial District provided no on-sale alcohol use is proposed. The proposed zoning is consistent with the intent and purpose of the ordinance.

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

The additional review provided through a building permit will ensure that any possible adverse impacts from development of the property are adequately mitigated. In particular, the location and design of all parking must meet the requirements of the Rapid City Parking Ordinance. No expansion of the existing structure is being proposed. Public Works staff has noted that the sanitary sewer located within West Rapid Street is a private 6 inch main. If any additional service lines are proposed to connect to the main, a release and hold harmless agreement must be entered into, with the City as a party, or a public sewer main must be installed. Improvements to the existing utility services are not required as a part of the review of the request to rezone the property.

*The proposed amendment shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The request to rezone the property to General Commercial District may create an increase

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in commercial traffic in the area. Omaha Street is classified as a Principal Arterial Street on the City's Major Street Plan, capable of accommodating the highest traffic volumes in the City. The property is identified as appropriate for commercial development on the City's Future Land Use Plan and, as such, a Comprehensive Plan Amendment to change the future land use designation is not required as a part of this request.

The Rapid City Fire Department has not identified any concerns with the requested Rezone.

The request meets all the criteria for an amendment to the Zoning Ordinance. In addition, the area is continuing to develop with a variety of commercial uses. The building permit review will ensure that the design standards required for commercial development are met. For these reasons, staff recommends that the request to Rezone the property from Light Industrial District to General Commercial District be approved.

Notification Requirements: The notification letters have been returned to Community Planning and Development Services for mailing. The sign has been picked up but as of this writing staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the October 24, 2013 Planning Commission meeting if this requirement has been met. As of this writing, there have been no inquiries regarding this item.