

STAFF REPORT
February 5, 2015

No. 15RZ001 - Rezoning from Medium Density Residential District to General Commercial District **ITEM 2**

GENERAL INFORMATION:

APPLICANT	DTH, LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	DTH LLC
REQUEST	No. 15RZ001 - Rezoning from Medium Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot 4 of Tract G-1 and the east 170 feet of Lot 5 of Tract G-1 of McMahan Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.049 acres
LOCATION	519 Kathryn Avenue
EXISTING ZONING	Medium Density Residential District - Medium Density Residential District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District (Planned Development Designation)
East:	General Commercial District (Planned Development) - General Commercial District (Planned Development Designation)
West:	Medium Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	January 7, 2015
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

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

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GENERAL COMMENTS: The applicant has submitted a request to rezone approximately 2.049 acres of property from Medium Density Residential District to General Commercial District. On June 11, 2011, the Planning Commission approved an Initial and Final Planned Development (File #11PD020) for property adjacent to the east of this property to allow for the construction of ministorage units. To date, the development of the property has not occurred as expected. Today, the Rapid City Fire Department is in talks with the developers of the ministorage property to relocate the project onto this property. The Rapid City Fire Department has identified the location as desirable for a new fire station. The ministorage developers have requested that a portion of this property be rezoned to General Commercial District and anticipate submitting a Final Planned Development to allow construction of ministorage units on the property. The applicant should note that the property is located within a Planned Development Designation and, as such, a Final Planned Development must be approved by the Planning Commission before a building permit can be obtained.

The property is located approximately 475 feet west of the intersection of Haines Avenue and Kathryn Avenue and is currently void of structural development.

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 area continues to develop with a mix of commercial and residential uses. The Rapid City Fire Department is in the process of acquiring the property adjacent to the east for the purpose of developing a new fire station. The continued development of the area with a mix of uses and the anticipated development of a new fire station on the property represents 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 business and services of the City. The proposed rezoning is an increase in the intensity of use for the area. However, the adjacent property has been previously approved for the development of ministorage units. The applicant has indicated that the subject property will be the new location of the proposed ministorage units in an effort to accommodate the Rapid City Fire Department plans. The required Final Planned Development will ensure that any future development of the property will be consistent with the design and features of the area. The proposed zoning is consistent with the intent and purpose of the ordinance provided that a Final Planned Development is approved prior to development of the property.

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 Rapid City Future Land Use Plan shows that the property is designated as appropriate

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for an Urban Neighborhood use. The Urban Neighborhood use can include commercial uses as secondary uses in service to the residential uses in the neighborhood. The property is located within a Planned Development Designation, which means that any development of the property will require that a Final Planned Development be approved. The required Final Planned Development will ensure that any potential impacts of future development will be mitigated to the greatest extent possible.

The requested Rezone is an increase in the potential density/intensity of use in the area. However, the anticipated storage units will provide a buffer between the Medium Density Residential District located south and west of the subject property and the commercial uses found near the intersection of Haines Avenue and Kathryn Avenue. In addition, the required Final Planned Development will ensure that any potential impacts of future development will be mitigated to the greatest extent possible.

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 property is currently designated for an Urban Neighborhood use on the City's Future Land Use Plan. A commercial use can be located within an Urban Neighborhood land use designation if primarily serving the needs of neighborhood residents. The required Final Planned Development for the property will ensure that any future uses proposed for the property will primarily serve the neighborhood. As such, an amendment to the Comprehensive Plan is not required. The rezoning request is consistent with the City's adopted Future Land Use Plan.

Public Works staff has noted that City infrastructure is located in Kathryn Avenue and Champion Avenue. However, it does not appear that gravity sewer services can be extended to the southern portions of the subject property. In addition, Public Works staff noted that upon development of the property, a drainage analysis will be required as a part of a Final Planned Development application. Public Works staff has also noted that access from Kathryn Avenue across the existing drainage channel may require installation of a bridge or box culverts.

The Rapid City Fire Department has reviewed the requested rezone and has not noted any issues.

The request meets all the criteria for an amendment to the Zoning Ordinance. The continuing residential, public, and commercial development represent changing conditions in the area. Although the requested rezone will result in an increase in the potential density/intensity of uses in the area, the required Final Planned Development will ensure that potential impacts of any commercial uses will be mitigated to the greatest extent possible. The request is in compliance with the Future Land Use Plan. Future development of the property must be in compliance with the requirements of the Rapid City Municipal Code, the required Final Planned Development, and the Infrastructure Design Criteria Manual. For these reasons, staff recommends that the request to rezone the property from Medium Density Residential District to General Commercial District be approved.

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NOTIFICATION REQUIREMENTS: The notification letters have been returned to Community Planning and Development Services for mailing. The sign has been picked up, however 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 February 5, 2015 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the requested rezoning.