

STAFF REPORT

March 8, 2001

No. 01RZ004 - Rezoning from General Commercial District to High Density Residential District

ITEM 33

GENERAL INFORMATION:

PETITIONER	David Howard
REQUEST	No. 01RZ004 - Rezoning from General Commercial District to High Density Residential District
LEGAL DESCRIPTION	Lots 12 and 13 of Block 4 of Denman's Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 Acres
LOCATION	209 East Saint Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	High Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from General Commercial District to High Density Residential District be denied.

GENERAL COMMENTS: The applicant is seeking to rezone a .160 acre parcel from General Commercial to High Density Residential District. The property is located in the 200 Block of East Saint Joseph Street. Currently, an 864 square foot structure with a basement is located on the property. The applicant has indicated that the building was used as a dental laboratory for approximately 18 years. In addition, "Olson Staffing", a service rental agency, was located within the building for approximately 1½ years. From May through November of 1999, the building was used as a vacuum cleaner sales store. The applicant has indicated that the building has remained vacant since November of 1999.

The property was zoned Highway Service District and, subsequently, rezoned to General Commercial in 1968. The applicant is proposing to rezone the property to High Density Residential District in order to use the existing structure as a residence.

STAFF REVIEW: Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of zoning map amendments. A summary of staff findings is outlined below:

STAFF REPORT

March 8, 2001

No. 01RZ004 - Rezoning from General Commercial District to High Density Residential District **ITEM 33**

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 subject property is located within a transitional area. The property as well as the surrounding area, known as Denman's Subdivision, was originally platted in 1883 and, subsequently, developed as a residential subdivision. In 1968, the north half of Block 4 of Denman's Subdivision, including the subject property, was zoned General Commercial. In addition, the properties located along the north side of East Saint Joseph Street were also zoned General Commercial. As such, over the past several years the residential use(s) along this portion of East Saint Joseph Street have been replaced with commercial uses. In particular, the structure located on the subject property was originally constructed and used as a single family residence. Over the years the building has been the location of a dental laboratory, a service rental agency and a vacuum cleaner sales store. In addition, a law office has been located at the east end of the block, two houses down from the subject property. Several commercial uses currently exist across the street from the subject property. In particular, Snyder's Museum, Hall Inn, a motel, an office supply store and a radio station are located on the north side of the 200 block of East Saint Joseph Street.

The property located directly east of the subject property is currently vacant. A second lot located directly west of the law office is also currently vacant. There are three structures located within the north half of Block 4 that continue to be residential in use. (The property located directly east of the subject property is residential in use.) Any development on the two vacant lots or any redevelopment of the residential lots must incorporate uses permitted within the General Commercial Zoning District. (The three residences are considered legal nonconforming structures until such time as they become vacant for a period of one year or until they are used for a legally conforming use.)

The current zoning of the subject property reflects the changed or changing conditions of the area and, as such, staff cannot recommend approval of the rezoning request to change the zoning to High Density Residential District. The use of the property for commercial uses for more than 20 years indicates the appropriateness of the commercial zoning designation.

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

The purpose of the High Density Residential District is "...to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by high-density, multi-family dwellings. As previously indicated, the properties to the north, east and west of the subject property are currently zoned General Commercial District. As such, the subject property is located in an area inappropriate by location and character for "high density or multi-family dwellings". The proposed rezoning request will result in a conflict of permitted land uses. In addition, rezoning the subject property would result in a spot

STAFF REPORT

March 8, 2001

No. 01RZ004 - Rezoning from General Commercial District to High Density Residential District **ITEM 33**

zoning. Staff cannot recommend approval of a rezoning request that will result in spot zoning.

- 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.*

Staff is concerned that rezoning the subject property to High Density Residential District could result in adverse impacts for the occupants of the property. As the surrounding properties continue to develop and/or redevelop, the number and intensity of commercial use(s) will continue to increase. Allowing residential uses could result in negatively impacting the future commercial development within the area. In addition, the types of intense uses which are permitted in the General Commercial District could generate noise, traffic, and light pollution impacts. These impacts could negatively affect the proposed residential use should this property be rezoned to High Density Residential District.

- 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.*

In 1974, the City adopted a Long Range Comprehensive Plan identifying the subject property as General Commercial. The proposed rezoning request is not consistent with the adopted plan. Rezoning the subject property as proposed would require prior approval of an amendment to the Comprehensive Plan. Due to the above identified concerns and issues, staff cannot support an amendment to the Comprehensive Plan.

Staff has reviewed this request with respect to the criteria established for Zoning Map Amendments and is recommending denial of the request based upon lack of compliance with the criteria.

As of this writing, the receipts from the certified mailings have not been returned and the Rezoning sign has not been posted on the property. Staff will notify the Planning Commission at the March 8, 2001 Planning Commission meeting if these items have not been addressed. To date, staff has not received any calls or inquires regarding this proposal.