

STAFF REPORT

April 26, 2001

No. 01RZ001 - Rezoning from the Park Forest District to the Office Commercial District

GENERAL INFORMATION:

PETITIONER	Fisk Engineering for John Skulborstad
REQUEST	No. 01RZ001 - Rezoning from the Park Forest District to the Office Commercial District
LEGAL DESCRIPTION	A portion of Lot F-1 of Fish Hatchery Subdivision, located in the North Half (N1/2) of the Southeast One Quarter (SE1/4) and in the Northeast One Quarter (NE1/4) of the Southwest One Quarter (SW1/4) of Section Eight (8) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot F-1 of Fish Hatchery Subdivision; Thence, S 51 degrees 31 minutes 28 seconds W, a distance of 210.39 feet more or less, along the Highway 44 Right-of-Way to a point of curvature; Thence, following the Highway 44 Right-of-Way along a curve to the right, said curve has a radius of 1095.92 feet and a length of 110.78 feet, chord bearing of S 54 degrees 23 minutes 15 seconds W, a chord distance of 110.73 feet more or less; Thence, N 42 degrees 46 minutes 16 seconds W, 268.89 feet more or less to the north line of Lot F-1 of Fish Hatchery Subdivision; Thence, S 89 degrees 44 minutes 15 seconds E, 437.33 feet more or less, along the north line of Lot F-1 to the point of beginning. Said tract of land contains 1.00 Acres, more or less
PARCEL ACREAGE	Approximately 1 Acre
LOCATION	West of the intersection of Jackson Boulevard and Chapel Lane
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	On-site water and wastewater
REPORT BY	Vicki L. Fisher

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RECOMMENDATION: Staff recommends that the Rezoning from the Park Forest District to the Office Commercial District be **denied without prejudice**.

GENERAL COMMENTS: **This item has been continued several times since the February 8, 2001 Planning Commission meeting to allow the rezoning to be heard in conjunction with a Planned Development Designation. This staff report has been revised as of 4/16/01. New or revised text is shown in bold print.** The applicant has submitted a rezoning application to change the zoning on the above legally described property from Park Forest to Office Commercial. Currently, an unoccupied building is located on the property. At one time the building was the site of the Johnson Siding Volunteer Fire Department.

In 1999, a rezoning request to change the zoning on the subject property from Park Forest to General Commercial District was denied without prejudice. The applicant indicated that a photography studio would be located on the property. At that time, the Planning Commission indicated that the most viable option to allow a photography studio on the property was to rezone the property to Office Commercial and to amend the Office Commercial Zoning District to allow photographic studios as a Use on Review. In the fall of 1999, the Ordinance Amendment allowing photographic studios as identified, was approved. In lieu of a Use on Review, the applicant has submitted a Planned Development Designation on the subject property. (The Zoning Ordinance identifies that a Planned Commercial Development is allowed as a Use on Review in the Office Commercial District.) Staff concurs that it is appropriate for the rezoning to be approved only in conjunction with a Planned Development Designation.

STAFF REVIEW: On January 26, 2001, the applicant submitted a Planned Development Designation request. In addition, a Preliminary and Final Plat to create a one acre lot and a Subdivision Regulations Variance request to waive sewer, water, sidewalk and street light conduit was submitted. During the review of the Preliminary and Final Plat, staff identified that additional information and a revised Master Plan must be submitted prior to approval. The Engineering Division has expressed concerns regarding the proposed approach location(s) along Jackson Boulevard. In addition, the applicant has indicated that he is currently discussing the construction of a shared approach along the north lot line of the subject property with the Bless Sacrament Catholic Church.

Update: The applicant has submitted a letter from the Blessed Sacrament Catholic Church indicating that the Parish Council is opposed to the proposed rezoning request to rezone Lot 1 from Park Forest District to Office Commercial District. The letter also indicated that the Parish Council is not willing to grant a common or shared access easement if the property is rezoned. A member of the Parish Council has indicated that the applicant has been invited on four occasions to visit with the Council regarding the proposed Rezoning Request and the shared access issue. The Parish Council member indicated that the applicant failed to appear at any of the Parish Council meetings as invited. As such, the Parish Council has indicated that

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they are opposed to the Rezoning Request and, subsequently, granting a shared access easement.

On April 2, 2001, the applicant submitted a revised Master Plan. The applicant also submitted topographic information for Lot 1 and for a portion of the balance of the property. The revised Master Plan does not address the alignment, length and grade issues on the proposed interior road as previously requested. Staff is recommending that one approach located on Lot 1 serve as access to the entire development as proposed on a previously approved Layout Plat in lieu of the two approaches as shown on the revised Master Plan. In addition, the approach should align as closely as possible to Chapel Lane located on the south side of Jackson Boulevard. Extending an interior roadway across Lot 1 may require that the existing building be removed in part or in whole and/or that an easement or right-of-way be obtained from the adjacent property owner. The access issue must be addressed prior to the property being rezoned from Park Forest District to Office Commercial District in order to determine the potential impact and/or conflict between the proposed use and the interior road. Staff is recommending that the Rezoning Request be denied without prejudice in order for the applicant to submit a revised Preliminary and Final Plat addressing the access issue.