

STAFF REPORT

June 7, 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

STAFF REPORT

June 7, 2001

No. 01RZ001 - Rezoning from the Park Forest District to the Office Commercial District ITEM 43

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

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 Commercial Development – Initial and Final Development Plan. This staff report has been revised as of 5/31/01. 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 May 31, 2001, the applicant indicated that he would like the associated rezoning request and the Planned Commercial Development request denied without prejudice at this time in order for him to potentially bring these items forward again for consideration in the future. The applicant has indicated that a residence will be constructed on the property as permitted in the Park Forest District. In addition, the applicant is proposing to locate the photography studio on the property as a home occupation. Staff has advised the applicant that the proposed use qualifies as a major home occupation. In addition, the proposed one acre lot does not meet the minimum lot size requirement of the Park Forest District. The applicant has indicated that a Planned Residential Development request will be submitted to allow the one acre lot in the Park Forest District and to allow the photography studio on the property as a major home occupation. Any plan for a reduction in the minimum lot size will need to justify the proposed change and will need to be part of an overall plan that documents compliance with the overall density of the underlying zoning district.**

Staff is recommending that the rezoning request be denied without prejudice as requested by the applicant.