

STAFF REPORT

November 21, 2002

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**No. 02RZ063 - Rezoning from General Commercial District to Office Commercial District**

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**ITEM 45**

GENERAL INFORMATION:

PETITIONER	Steven Jones for Beverly Healthcare Center
REQUEST	<b>No. 02RZ063 - Rezoning from General Commercial District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of Lot X of Rehder Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.16 acres
LOCATION	916 Mountain View Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/11/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

**Staff recommends that the rezoning from General Commercial District to Office Commercial District be approved.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold) This request was continued from the November 7, 2002 Planning Commission Meeting due to an error in advertising. The lot involved in this request is 1.16 acres in area. There is a 33,000 square foot, long term health care facility with 99 licensed beds located on the site. The facility has approximately 30 staff for each shift. The property is currently zoned General Commercial Zoning District and is located adjacent to Mt. View Road. This rezoning request is being considered in conjunction with an Initial and Final Planned Development on the property. (02PD061)

A building permit was issued for a single family dwelling at the site in 1952. In 1967, a building permit was issued authorizing the construction of a rehabilitation center. In 1972, a permit was issued for some interior work.

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Nursing Homes are not a permitted use in the General Commercial District. Rezoning the property to Office Commercial will bring the property into conformance with the Zoning Ordinance and allow the expansion of the use and 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:

*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.*

When the building permit was issued in 1967, the zoning district was Class "F" Commercial District. Class "F" Commercial District permitted any use allowed in the Class "E" Multiple Dwelling District. Hospitals, clinics, and mortuaries were a permitted use in Class "E", which allowed this facility to be built in compliance. However, as the Zoning Ordinance has been amended over time, the Class "F" Commercial District turned into the General Commercial Zoning District. The General Commercial Zoning District does not allow nursing homes as a permitted or a conditional use. The nursing home was grandfathered into the current Zoning Requirements, and it was allowed to continue operating as a legal non-conforming use; however, no expansion is allowed. In order to bring the use into compliance with the current ordinance and allow the construction of the elevator, this rezoning is necessary.

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

The purpose of the Office Commercial Zoning District is to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Staff believes the property will function in this capacity.

*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.*

The proposed rezoning would not appear to have any significant negative impacts on the surrounding land uses because of the nature of the use, a nursing home and the requirements of the Zoning 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.*

The Rapid City Comprehensive Plan – Five Year Review completed in 1976 identifies this area as appropriate for commercial land uses. The updated Future Land Use Plan for this area has not yet been completed. Rezoning this property to Office Commercial would not be in conflict with the City's currently adopted comprehensive plan.

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The green cards from the notification of surrounding property owners have not been returned. A sign stating a rezoning of this property has been posted at the site. Staff has not, as of this writing, received any calls or comments regarding this request.

Based on conformance with the criteria for the review of zoning map amendments, Staff recommends that the request to rezone this property from General Commercial District to Office Commercial District be approved.