

STAFF REPORT

February 5, 2004

No. 03RZ052 - Rezoning from Flood Hazard District to Office Commercial District **ITEM 11**

GENERAL INFORMATION:

PETITIONER	WellSpring, Inc.
REQUEST	No. 03RZ052 - Rezoning from Flood Hazard District to Office Commercial District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 3, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .74 acres
LOCATION	1205 E. St. James Street
EXISTING ZONING	Medium Density Residential District/ Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District/Flood Hazard District
South:	Medium Density Residential District
East:	Flood Hazard District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/24/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from Flood Hazard District to Office Commercial District be **approved in conjunction with a Rezoning from Medium Density Residential District to Office Commercial District, a Planned Development Designation and the related Amendment to the Comprehensive Plan.**

GENERAL COMMENTS: **This staff report has been revised as of January 26, 2004. All revised and/or added text is shown in bold print.** The applicant is requesting to rezone property located at 1205 E. St. James Street from Flood Hazard District to Office Commercial District on the east portion of the subject property and from Medium Density Residential District to Office Commercial District on the west portion of the subject property. Property located north of the subject property is zoned Medium Density Residential District and Flood Hazard District. Property located east of the subject property is zoned Flood Hazard District. Property located south and west of the subject property is zoned Medium Density Residential District. The applicant wishes to rezone the subject property Office

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Commercial with a Planned Development Designation.

Wellspring has indicated their plans are to extend therapeutic services for youth by enlarging their facility to accommodate an additional 48 youth a day. A portable building is planned to be placed on the parking lot until such time as adequate funds are available. A Planned Development Designation (03PD060) and an application to rezone Lots 4-5 of the subject property from Medium Density Residential District to Office Commercial District (03RZ053) have been submitted in conjunction with this rezoning application. An Amendment to the Comprehensive Plan to change the land use designation from Light Industrial to Office Commercial **with a Planned Commercial Development** will be considered at the **February 5, 2004** Planning Commission meeting.

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 applying the Flood Hazard Zoning District to private property, the limits of the district shall match the boundaries of the 100 year hydraulic floodway. The subject property is not in the 100 year hydraulic floodway. Therefore, the applicant is requesting that the property be rezoned from Flood Hazard District to Office Commercial District.

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

Office Commercial Zoning District is intended 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. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. Based on the location of the property adjacent to undeveloped property used for recreational purposes and residential property, rezoning the property Office Commercial District with the related Planned Development Designation appears to be appropriate.

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 subject property is located in the 100 year flood plain. As such, a Flood Plain Development Permit must be obtained prior to further development of the property. This will insure that development of this site with Office Commercial uses does not adversely impact downstream properties. Staff is unaware of any significant adverse effects that will result from the proposed rezoning. The Planned Development Designation recommended as a stipulation of approval will provide additional

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protections for surrounding land uses.

- 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 Comprehensive Plan identifies the subject property as Light Industrial land use(s). An Amendment to the Comprehensive Plan to change the land use on the subject property from Light Industrial to Office Commercial with a Planned Commercial Development has been submitted in conjunction with this rezoning. If the Comprehensive Plan Amendment is approved, the proposed use will be consistent with the adopted plan.

The required rezoning sign has been posted on the property **and** the receipts from the certified mailing have been returned. Staff has received **one** inquiry but **no** objections regarding the proposed rezoning at the time of this writing.