

STAFF REPORT
November 24, 2004

No. 04RZ047 - Rezoning from Heavy Industrial District to Office Commercial District **ITEM 24**

GENERAL INFORMATION:

PETITIONER	MikeTennyson and Pat Tlustos
REQUEST	No. 04RZ047 - Rezoning from Heavy Industrial District to Office Commercial District
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1, North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.3 acres
LOCATION	1350 West Chicago Street
EXISTING ZONING	Heavy Industrial District/Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/08/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Rezoning request from Heavy Industrial District to Office Commercial District **of the unplatted portion of the W1/2 NW1/4 SE1/4 less the north 640 feet and Block 1, North Riverside Addition and less a 1.48 acre tract of land located in the West One Half of the Northwest One Quarter of the Southeast One Quarter (W¹/₂ NW¹/₄ SE¹/₄) of Section Thirty Five (35) in Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM) in the City of Rapid City, Pennington County, South Dakota, more fully described as beginning at the southwest corner of the West One Half of the Northwest One Quarter of the Southeast One Quarter (W¹/₂ NW¹/₄ SE¹/₄) of Section Thirty Five (35) in Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM) in the City of Rapid City, Pennington County, South Dakota, said point being located along the north line of Tract 17 of the Correction Plat of a portion of Rapid City Greenway Tracts (as shown on the plat recorded on April 3, 1985 and filed in Plat Book 20 on Page 58), and said point being coincident with the center south one sixteenth corner of said Section Thirty Five (35) and also coincident with the**

STAFF REPORT
November 24, 2004

No. 04RZ047 - Rezoning from Heavy Industrial District to Office Commercial District **ITEM 24**

southeast corner of Lot A of the Rapid City Founders Site (as shown on the plat recorded on November 23, 1977 and filed in Plat Book 15 on Page 211); thence, northerly along the easterly line of said Lot A of the Rapid City Founders Site and along the center one-quarter section line of said Section 35, North 00 degrees, 00 minutes, 00 seconds East, a distance of 50.00 feet, more or less, to the northwesterly corner of the subject tract, said point being on the northerly edge of vacated West Chicago Street right-of-way (as shown in Misc. Book 24, Page 9406); thence, easterly along the northerly edge of said vacated West Chicago Street right-of-way, North 89 degrees, 53 minutes, 06 seconds East, a distance of 199.54 feet, more or less, to a point on the southerly edge of Block 1 of North Riverside Addition (as shown on the plat recorded one November 7, 1917 and filed in the steel file); thence, continuing easterly along the northerly edge of said vacated West Chicago Street right-of-way, curving left on an arc with a radius of 71.57 feet, a distance of 56.21 feet more or less, said arc being normal to the previous course and having a central angle of 45 degrees, 00 minutes, 00 seconds and also having a chord bearing of North 67 degrees, 23 minutes, 06 seconds East and a distance of 54.78 feet, more or less; thence, continuing easterly along the northerly edge of said vacated West Chicago Street right-of-way, curving to the right on an arc with a radius of 148.37 feet, a distance of 93.04 feet, more or less, said arc being normal to the previous course, having a central angle of 35 degrees, 55 minutes, 48 seconds and also having a chord bearing of North 62 degrees, 51 minutes, 00 seconds East, and a distance of 91.53 feet, more or less; thence, continuing easterly along the northerly edge of said vacated West Chicago Street right-of-way, North 80 degrees, 48 minutes, 54 seconds East, a distance of 165.03 feet, more or less; thence, continuing easterly along the northerly edge of said vacated West Chicago Street right-of-way, North 89 degrees, 53 minutes, 06 seconds East, a distance of 166.93 feet, more or less, to the northeasterly corner of the subject tract, said point being along being located along the westerly edge of West Street right-of-way; thence, southerly along the westerly edge of said West Street and West Chicago Street right-of-way, South 00 degrees, 14 minutes, 00 seconds East, a distance of 138.58 feet, more or less to the southeasterly corner of the subject tract, said point being located along the northerly line of the previously described Tract 17 of the Correction Plat of a portion of Rapid City Greenway Tracts; thence, westerly along the northerly edge of said Tract 17 of the Correction Plat of a portion of Rapid City Greenway Tracts, South 89 degrees, 53 minutes, 06 seconds West, a distance of 661.95 feet, more or less, to the point of beginning; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota be approved in conjunction with the Comprehensive Plan Amendment.

GENERAL COMMENTS:

(Update: This Staff Report has been updated on November 17, 2004. All revised and/or added text is shown in bold print.) This item was continued at the November 4, 2004 Planning Commission meeting to allow the applicant to submit a Rezoning request from Park Forest District to Office Commercial District for the northern 640 feet of the subject property and to allow the applicant to submit a Comprehensive Plan Amendment from Planned Residential Development with a maximum density of one dwelling unit per three acres to Office Commercial with a Planned Commercial Development for the northern 750 feet of the subject property. In addition, the

STAFF REPORT
November 24, 2004

No. 04RZ047 - Rezoning from Heavy Industrial District to Office Commercial District **ITEM 24**

applicant indicated that this Rezoning request will be amended to remove that portion of the property currently zoned Flood Hazard District.

On November 10, 2004, the City staff approved a Planned Development Designation for the subject property.

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Heavy Industrial District to Office Commercial District. In addition, the applicant has submitted a Planned Development Designation request for the subject property.

The property is located at the western terminus of W. Philadelphia Street and W. Chicago Street. Currently, the Federal Beef Processing Plant is located on the property; however, the plant is not operational at this time.

STAFF REVIEW:

Upon review of the Rezoning request, staff has noted that the northern 640 feet of the subject property is currently zoned Park Forest District. In addition, a small portion of the southeast corner of the subject property is currently zoned Flood Hazard District. Staff has also noted that the North Rapid Neighborhood Future Land Use Map identifies the appropriate use of the northern 750 feet of the property as a Planned Residential Development with a maximum density of one dwelling unit per three acres. As such, the applicant has requested that the Rezoning request be continued to the November 24, 2004 Planning Commission meeting to be heard in conjunction with the Rezoning request from Park Forest to Office Commercial and the Comprehensive Plan Amendment to the North Rapid Neighborhood Future Land Use Plan. In addition, the applicant has indicated that this Rezoning request will be amended to remove that portion of the property currently zoned Flood Hazard District. Staff is recommending that the Rezoning request be continued as requested by the applicant.

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

- 1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.***

The Federal Beef Plant currently located on the property is no longer operating due to a fire that destroyed a majority of the building(s) and equipment. Since that time, the City has looked at potential redevelopment of the property and has noted that office commercial use(s) would be a compatible land use with the existing open areas and residential development within this area of the community. In addition, the property is located in the core of the City which makes it desirable for office commercial use(s).

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

No. 04RZ047 - Rezoning from Heavy Industrial District to Office Commercial District **ITEM 24**

The purpose of the Office Commercial District as stated in the Zoning Ordinance is to "...provide 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". The subject property is central to the City and located adjacent to a residential area. In addition, the existing Planned Development Designation will serve as a tool to address concerns specific to the redevelopment of the subject property. The Planned Development Designation will also help mitigate any potential negative impacts the office commercial use may have on the adjacent properties.

- 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 amendment.*

Staff does not believe that rezoning this property will result in any significant adverse impacts that will result from the requested rezoning. The additional review provided by a future Initial and Final Planned Commercial Development process will insure that any possible adverse impacts of redevelopment are adequately mitigated as a part of the development of the site.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

As previously indicated, the applicant has submitted a Comprehensive Plan Amendment from Planned Residential Development with a maximum density of one dwelling unit per three acres to Office Commercial with a Planned Commercial Development for the northern 750 feet of the subject property. The balance of the subject property is currently identified as appropriate for office commercial uses with a Planned Commercial Development. Upon approval of the Comprehensive Plan Amendment, the subject property will be consistent with the City's Future Land Use Plan for the subject property.

Notification Requirement: The receipts for the certified mailing have been returned and the sign(s) have been posted on the property. As of the writing of this Staff Report, staff has not received any calls of inquiry regarding this Rezoning request.