

STAFF REPORT
September 22, 2005

No. 05RZ052 - Rezoning from Medium Density Residential District to Office Commercial District **ITEM 40**

GENERAL INFORMATION:

PETITIONER	Thomas L. Collins / Philip Hunter
REQUEST	No. 05RZ052 - Rezoning from Medium Density Residential District to Office Commercial District
EXISTING LEGAL DESCRIPTION	The south 237 feet of Lot 5, Harter Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .47 acres
LOCATION	2326 Canyon Lake Drive
EXISTING ZONING	Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/26/2005
REVIEWED BY	Linda Foster / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Rezoning from Medium Density Residential District to Office Commercial District be denied.

GENERAL COMMENTS: The applicant is proposing to rezone the above legally described property from Medium Density Residential District to Office Commercial District. The subject property is located at 2326 Canyon Lake Drive, or at the northeast corner of the intersection of Canyon Lake Drive and Harter Drive. There are currently two single-family structures located on the subject property. The property is currently zoned Medium Density Residential District with a Planned Development Designation. The properties to the west, north and east of the subject property are designated as Medium Density Residential District. The property to the south of the subject property is zoned Flood Hazard District. The applicant has also submitted a request to change the Future Land Use designation on the property from Residential to Office Commercial with a Planned Commercial Development (05CA035).

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The subject property was rezoned from Low Density Residential District to Medium Density Residential District (00RZ016) and a Planned Development Designation was approved (00PD027) in 2000.

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).

- 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.*

Staff is unaware of any substantially changed or changing conditions that would justify the proposed change.

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

The Office Commercial District is intended to provide a place for those types of institutional and commercial activities that require separate building and building groups surrounded by landscaped yards and open areas. The adjacent surrounding properties are all zoned Medium Density Residential District. This rezoning request does not appear to be appropriate as it is not a continuation of the surrounding land uses and would be considered spot zoning.

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 adjacent to Medium Density Residential Zoning Districts on the north, east and west. The amendment would appear to have a negative affect on the surrounding land uses with the introduction of an office commercial facility in a residential neighborhood.

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 appropriate for residential land uses. Therefore, the request is not consistent with the Comprehensive Plan. Office Commercial land use is not appropriate in this area due to the potential increase in traffic and noise.

Staff notes that the Drainage Basin Plan is based on this area being used for Residential Land Use. An increase in impervious area may require on-site water detention. Due to the relatively small size of the parcel, this may be difficult to accomplish without negatively impacting adjacent residential land uses.

Staff also notes that Harter Drive was constructed with a 13'10" wide paving section which

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does not meet the minimum standards for a lane/place street. Lane/place streets are intended to provide access to residential properties and accommodate less than 250 vehicles per day. Typical commercial use would exceed those traffic volumes. While a traffic study would need to be provided to identify if expansion would be needed to accommodate office commercial usage, the anticipated volumes of traffic and the patterns of traffic would likely have a negative impact on the surrounding residential uses. Also, a minimum access of 20 feet is required pursuant to the International Fire Code as well as a turnaround. At present, Harter Drive is a dead-end street without sufficient area to turn fire apparatus around.

For the reasons stated above, Staff is recommending denial of this request.