

STAFF REPORT
November 23, 2005

No. 05RZ059 - Rezoning from General Commercial to Office Commercial **ITEM 32**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Thomas O'Meara
REQUEST	No. 05RZ059 - Rezoning from General Commercial to Office Commercial
EXISTING LEGAL DESCRIPTION	Beginning at the southwest corner of that part of Lot D of Lot C of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, lying west of the highway, which is a Steel T-Bar, which is the true point of beginning: Thence; N07°00'00"E, a distance of 240.27 feet, Thence: S80°49'43"E, a distance of 194.54 feet, Thence; S48°11'14"W, a distance of 54.37 feet, Thence; S14°14'34"W, a distance of 176.10 feet, Thence; S89°46'44"W, a distance of 137.49 feet, to the true point of beginning; all located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.801 acres more or less
PARCEL ACREAGE	Approximately .801 acres
LOCATION	4080 Tower Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Commercial District
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/28/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial to Office Commercial be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: This developed property contains approximately .801 acres and is located adjacent to Tower Road on the west and U.S. Highway 16 on the east. Land located north and east of the subject property is zoned General Commercial District. Land

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located south of the subject property is zoned General Agriculture District. Land located west of the property is zoned Park Forest District. An application for a Comprehensive Plan Amendment (05CA042) has been submitted in conjunction with the rezoning of the property. Previously, a Preliminary Plat (05PL181), and a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, street light conduit along U.S. Highway 16 (05SV069) were submitted and approved by the City Council on November 7, 2005.

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.*

This property is zoned General Commercial District and is the location of a motel manager's residence. The property owner recently submitted a Preliminary Plat to subdivide a larger commercial property into a commercial parcel and a residential parcel as part of the sale of the commercial parcel. Subdividing the larger property will result in separating the accessory residential use to the permitted commercial use. As such, the applicant is requesting the rezoning to bring the property into compliance with the zoning ordinance.

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

The 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 opens areas. The area on Tower Road is a mixture of residential and commercial development. The subject property is located adjacent to General Agriculture, General Commercial, and Park Forest Zoning Districts. Office Commercial District would provide a transition from General Commercial Zoning to Park Forest Zoning at this particular location and would allow residential uses on the property.

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.*

Staff has not identified any significant adverse affects on any of the surrounding land uses or any other part of the City.

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 adopted U.S. Highway 16 Future Land Use Plan identifies this area as appropriate for General Commercial land uses. Adjacent properties are identified as appropriate for land uses for Planned Residential Development with a maximum density of three dwelling units

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per acre. An application for a Comprehensive Plan Amendment to change the land use from General Commercial land use to Office Commercial Land use (05CA042) has been submitted with this application for rezoning. The designation of Office Commercial zoning at this location would be appropriate located between a City street (Tower Road) and a State Highway (U.S. Highway 16 / Mt. Rushmore Road). Staff recommends approval of the request to change the land use from General Commercial uses to Office Commercial land uses.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the November 23, 2005 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.