

STAFF REPORT

May 4, 2006

No. 06RZ010 - Rezoning from High Density Residential to Office Commercial

ITEM 27

GENERAL INFORMATION:

PETITIONER Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc.

REQUEST **No. 06RZ010 - Rezoning from High Density Residential to Office Commercial**

EXISTING LEGAL DESCRIPTION A parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-of-way of Columbus Street, said point being marked by a mag nail in asphalt; Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way,

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N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less.

PARCEL ACREAGE Approximately 0.70 acres

LOCATION 910 Fifth Street

EXISTING ZONING High Density Residential District

SURROUNDING ZONING

 North: High Density Residential District - Office Commercial District

 South: High Density Residential District

 East: High Density Residential District

 West: Public District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 4/7/2006

REVIEWED BY Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Rezoning from High Density Residential to Office Commercial be approved in conjunction with the Initial and Final Planned Commercial Development and the Comprehensive Plan Amendment to the Future Land Use Plan.

GENERAL COMMENTS:

The applicant has submitted a rezoning request to change the zoning designation of the above legally described property from High Density Residential District to Office Commercial District. In addition, the applicant has submitted an Initial and Final Planned Commercial Development to allow an assembly hall with offices on the subject property. (See companion item #06PD023.)

The property is located in the southeast corner of the intersection of 5th Street and Columbus Street. Currently, the Knights of Columbus Recreational Center is located on the property and is used as an assembly hall and offices. The High Density Residential District does not allow an assembly hall use. In addition, office use is only allowed within the High Density Residential District with the review and approval of a Conditional Use Permit. To date, a Conditional Use Permit has not been obtained for the office use. As such, the current use of the building appears to be an illegal use.

On February 6, 2006, the City Council approved a Layout Plat to move the common lot line between this property and an adjacent property also owned by the applicant. A stipulation

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of the Layout Plat requires that prior to submittal of a Preliminary Plat, the land use issues be addressed.

STAFF REVIEW:

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 existing building was constructed on the property approximately 40 years ago. The building was originally used as an auditorium and was a part of a private school complex. The school closed in 1969 and the Knights of Columbus purchased and began using the building as an assembly hall with offices in 1972. The balance of the school complex located on adjacent properties is being used as office(s) and a church. The property located directly north of the subject property has been zoned Office Commercial District and is the location of "Western Dakota Insurers". With the introduction of office commercial use(s) into the neighborhood, the conditions of the area have changed. The property is located in the core of the City which makes it desirable for office commercial use(s). In addition, the additional review provided by a Planned Commercial Development will insure that issues specific to the subject property are being addressed.

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

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 Initial and Final Planned Commercial Development will serve as a tool to address concerns specific to the subject property and to 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 has not identified any significant adverse impacts that will result from the requested rezoning. The additional review provided by the Initial and Final Planned Commercial Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. In particular, the Initial and Final Planned Commercial Development will serve as a tool to insure that any redevelopment of the property does not negatively impact Dakota Middle School located west of the subject property and/or the residential development within the area.

4. *The proposed amendments shall be consistent with and not in conflict with the development*

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plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.

The Major Street Plan identifies 5th Street as a minor arterial street. Allowing office commercial use(s) along an arterial street is in compliance with the Major Street Plan. The existing structure is currently served with City sewer and water as well as private utilities in compliance with the community facilities plan. The Long Range Comprehensive Plan identifies the appropriate use of the property as residential. The applicant has submitted a Comprehensive Plan to the Future Land Use Plan to change the land use designation from residential to Office Commercial with a Planned Commercial Development. Upon approval of the Comprehensive Plan Amendment, the proposed rezoning will be in compliance with the Future Land Use Plan.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the May 4, 2006 Planning Commission meeting if these requirements have not been met.