

STAFF REPORT  
January 10, 2008

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**No. 07RZ075 - Rezoning from Office Commercial District to General Commercial District**

**ITEM 62**

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GENERAL INFORMATION:

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|----------------------------|--|
| APPLICANT                  | James and Pamela Giese   |
| AGENT                      | Lynn Livingston  |
| PROPERTY OWNER             | James and Pamela Giese   |
| REQUEST                    | <b>No. 07RZ075 - Rezoning from Office Commercial District to General Commercial District</b>                           |
| EXISTING LEGAL DESCRIPTION | Lots 19 and 20 of Block 3 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 0.16 acres   |
| LOCATION                   | 1021 St. Joseph Street   |
| EXISTING ZONING            | Office Commercial District   |
| SURROUNDING ZONING         |  |
| North:                     | Park Forest District   |
| South:                     | Medium Density Residential District  |
| East:                      | Office Commercial District   |
| West:                      | Office Commercial District   |
| PUBLIC UTILITIES           | City water and sewer   |
| DATE OF APPLICATION        | 11/9/2007  |
| REVIEWED BY                | Jonathan Smith / Ted Johnson   |

RECOMMENDATION:

**Staff recommends that the Rezoning from Office Commercial District to General Commercial District be denied.**

GENERAL COMMENTS:

**(Update December 6, 2007. All revised text is shown in bold). This item was continued at the request of the applicant at the December 6, 2007 Planning Commission meeting.**

The applicant has submitted a request to rezone a 0.16 acre parcel from Office Commercial District to General Commercial District. The property is located at 1021 St. Joseph Street. The property is located within the Rapid City Historic District. Currently a single family residence, and a detached accessory building are located on the property. A request to change the Future

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---

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---

Land use designation on the property (#07CA060) from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development has been filed in conjunction with this rezoning request.

The property was rezoned (#06RZ034) from High Density Residential District to Office Commercial District on October 16, 2006. A request to change the (#06CA031) Future Land Use Designation from Residential to Office Commercial with a Planned Commercial Development was approved by Council on October 16, 2006. A Planned Development Designation (#06PD074) was placed on the property on September 27, 2006.

**STAFF REVIEW:**

Staff recommends that this item be continued to the January 10, 2007 Planning Commission meeting at the request of the applicant.

**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.***

The property was originally used for residential purposes. The property was rezoned to Office Commercial District on October 16, 2006. Following extensive discussions regarding the negative impacts of commercial encroachment into the West Boulevard Neighborhood. The Office Commercial zoning was a compromise to allow low intensity office commercial uses only. Significant concerns continue to exist regarding the impact of higher order commercial uses encroaching into residential areas.

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

The applicant is proposing to change the Zoning Designation to General Commercial District. As noted the property abuts residential property on the southern boundary. General Commercial Zoning District allows for uses that are not appropriate in areas that abut residential zoning without adequate buffering or design feature. Staff has noted that the lot size of the property limits the ability to provide adequate buffering on the property. In addition rezoning the property to General Commercial District would result in "spot zoning" because there are not abutting General Commercial Zoning Districts in the area of the property. The proposed rezoning appears to be inconsistent with the intent of the zoning ordinance.

- 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 uses associated with the Office Commercial zoning classification are intended to

**No. 07RZ075 - Rezoning from Office Commercial District to General Commercial District**      **ITEM 62**

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provide less intense commercial use that serve as a buffer between residential areas and higher intensity commercial areas. Rezoning to General Commercial District would likely increase the vehicular traffic in the area, as well as allow uses that have extended hours of operation negatively impacting the surrounding residential areas. In addition has staff noted that the lot size is residential in character and not adequately sized for some of the uses associated with General Commercial land uses, more specifically most of the uses associated with a General Commercial District require five or more parking spaces per thousand square feet of the gross square footage of the structure. Development of a .16 acre lot for most General Commercial uses would be difficult.

- 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 proposed rezoning to General Commercial District currently conflicts with the Adopted Comprehensive Plan, which identifies this area as appropriate for Office Commercial Land Uses. A Comprehensive Plan Amendment (#07CA060) to change the land use designation to General Commercial has been filed in conjunction with this rezoning request. Rezoning the property would be inconsistent with the currently adopted Comprehensive Plan.

Staff recommends that the request to rezone the property to General Commercial Zoning District be denied.

**LEGAL NOTIFICATION:**

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned.