

STAFF REPORT

July 9, 2009

**No. 09RZ026 - Rezoning from Medium Density Residential District
to Office Commercial District**

ITEM 22

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Edward J. and Patrice Lynch
REQUEST	No. 09RZ026 - Rezoning from Medium Density Residential District to Office Commercial District
EXISTING LEGAL DESCRIPTION	Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	336 Meade Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Neighborhood Commercial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

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

GENERAL COMMENTS: **This staff report has been revised as of June 30, 2009. All revised and/or added text is shown in bold print. This application was continued to the July 9, 2009 Planning Commission meeting to allow the Future Land Use Committee to review the associated application to amend the Comprehensive Plan and make a recommendation.** This developed property contains approximately 0.16 acres and is located at 336 Meade Street. The property is zoned Medium Density Residential District. Land located north, south, and east of the property is zoned Medium Density Residential District. Land located west of the property is zoned Neighborhood Commercial District. Currently, a single family residence is located on the property.

The Comprehensive Land Use Plan identifies the use of the property as appropriate for

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residential land uses. At the April 23, 2009 Planning Commission meeting, an application for a Rezoning from Medium Density Residential District to Office Commercial District (#09RZ023) was denied without prejudice in conjunction with an Amendment to the Comprehensive Plan (#09CA007), to allow the applicant to resubmit a Comprehensive Plan Amendment with a Planned Commercial Development and a Rezoning application and an Initial Planned Commercial Development. On May 4, 2009, the City Council concurred and denied the rezoning application without prejudice. Applications to change the land use for this property from Residential to Office Commercial with a Planned Commercial Development (#09CA009) and Planned Commercial Development – Initial and Final Development Plan (#09PD021) have been submitted in conjunction with this Rezoning application. **This property was zoned Medium Density Residential in 1968. On April 23, 2009, the applicant submitted a Comprehensive Plan Amendment to change the land use from Residential to Office Commercial (#09CA007). The Planning Commission recommended that the application be denied without prejudice to allow the applicant to re-submit a Comprehensive Plan Amendment to change the land use from Residential to Office Commercial with a Planned Commercial Development. The associated rezoning request from Medium Density Residential to Office Commercial (#09RZ023) was also denied without prejudice on April 23, 2009. (Revised 6-30-09)**

In addition to this Rezoning request, the applicant has re-submitted the Comprehensive Plan Amendment (#09CA009) and has submitted a Planned Commercial Development – Initial and Final Development Plan (#09PD021). The Future Land Use Committee reviewed the associated application to amend the Comprehensive Plan from Residential to Office Commercial with a Planned Commercial Development (#09CA009) and recommended that the request be denied. As such, staff recommends that the Rezoning from Medium Density Residential District to Office Commercial District be denied. (Revised 6-30-09)

STAFF REVIEW: The Future Land Use Committee has not had an opportunity to review the associated request to amend the Comprehensive Plan from Residential to Office Commercial with a Planned Commercial Development. As such, Staff recommends that the Rezoning from Medium Density Residential District to Office Commercial District be continued to the July 9, 2009 Planning Commission meeting to allow the Future Land Use Committee to review the associated application to amend the Comprehensive Plan and make a recommendation. **The Future Land Use Committee reviewed the associated application to amend the Comprehensive Plan from Residential to Office Commercial with a Planned Commercial Development (#09CA009) and recommended that the request be denied as further encroachment of commercial development in a residential neighborhood is not appropriate. (Revised 6-30-09)**

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.***

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Staff has not identified any changing condition that requires rezoning the property.

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 open areas. A single family residence is located on the property. Residential land uses are located north, east, and south of the property. Office Commercial Zoning Districts are not located adjacent to the property and therefore the change in zoning from Medium Density Residential to Office Commercial would be spot zoning. Due to the land uses and zoning of the adjacent properties, the rezoning would appear to be inconsistent with the intent and purposes of this 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.

Access to the residential property is from Meade Street. City sewer and water are available. The property is located adjacent to residential land uses. A church and grade school are located within a block of the property. Additional commercial uses may have a significant impact on the traffic within the residential neighborhood. The proposed amendment will potentially result in an adverse impact on the 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 property is located in the Fifth Street Overlay District, a district designed to preserve and maintain the residential area adjacent and near the Fifth Street corridor. Additional regulations are required within the Medium Density Residential Zoning District to protect the single family homes in the area from additional density, traffic, setback, landscaping and parking issues. Additional commercial zoning is not consistent with the goals of the Fifth Street Overlay District of preserving the residential area. The rezoning request will have a potentially negative impact on the existing neighborhood and may result in conflict. The Adopted Comprehensive Land Use Plan indicates that this area is appropriate for Residential land uses. The Future Land Use Committee recommends that the associated Comprehensive Plan Amendment to change the land use from Residential to Office Commercial with a Planned Commercial Development be denied. As such, rezoning the subject property from Medium Density Residential District to Office Commercial District is not consistent with the adopted Comprehensive Plan.

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

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objections regarding the previous request in April 2009. The adjacent neighbors and residents of the area had serious concerns with noise and traffic that may be caused by additional commercial use. Staff has received one call regarding the noise currently associated with traffic on Fifth Street at the time of this writing.

Staff recommends that the rezoning from Medium Density Residential District to Office Commercial District be denied. (Revised 6-30-09)