

STAFF REPORT
June 10, 2010

No. 10RZ035 - Rezoning from Medium Density Residential District to Office Commercial District **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mollers Limited Partnership
REQUEST	No. 10RZ035 - Rezoning from Medium Density Residential District to Office Commercial District

EXISTING
LEGAL DESCRIPTION

Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, common to a corner on the easterly edge of Waterloo Street Right-of-way, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 274.08 feet; Thence eighth course: N89°51'02"W, a distance of 60.52 feet, to the southeasterly corner of said Lot 1; Thence ninth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence tenth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence eleventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1; Thence twelfth course: N00°13'38"E, along the westerly boundary of said Lot 1, common to a point on the easterly edge of said Waterloo Street Right-of-way, a distance of 216.37 feet, to the northwesterly corner of said Lot 1and the point of beginning

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PARCEL ACREAGE	Approximately 3.242 acres
LOCATION	North of East Omaha Street between South Waterloo Street and Racine Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	General Commercial District
East:	Medium Density Residential District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/30/2010
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION: Based on the Future Land Use Committee's recommendation on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from Medium Density Residential District to Office Commercial District **be approved in conjunction with a Planned Development Designation and the associated Comprehensive Plan Amendment.**

GENERAL COMMENTS: This property was zoned Medium Density Residential District in 1968. The application misidentified the existing zoning as Low Density Residential District. As such, staff recommends that the application be tabled to allow the required publication to be corrected to reflect the actual zoning designation.

(Updated May 27, 2010. All revised and/or added text is shown in bold print.) This item was continued to the June 10, 2010 Planning Commission meeting to allow the required publication to be corrected to reflect the correct existing zoning designation.

This property contains 3.242 acres and is located north of East Omaha Street between South Waterloo Street and Racine Street. Land located north and east of the property is zoned Medium Density Residential District. Land located west of the property is zoned Flood Hazard District. Land located south of the property is zoned General Commercial District. The property is currently void of any structural development.

In addition to this Rezoning application, the applicant has submitted applications for an Amendment to the Comprehensive Plan to change the land use designation on the property from Medium Density Residential and Mobile Home Park to Office Commercial with a Planned Commercial Development (#10CA015 and #10CA016).

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The applicant has also submitted an associated Comprehensive Plan Amendment application for the adjoining property to the east to change the land use designation from Medium Density Residential and Mobile Home Park to General Commercial with a Planned Commercial Development (#10CA013 and #10CA014). The companion Rezoning application (#10RZ034) proposes to change the zoning from Medium Density Residential District to General Commercial District.

The applicant has also submitted a Preliminary Plat application (#10PL027) to realign the parcel lot lines and previously vacated right-of-way into two lots. Additionally, the applicant has submitted an application for a Vacation of Right-of-Way (#10VR002) to vacate approximately 253 feet of the Racine Street Right-of-way, located north of Omaha Street and west of LaCrosse Street. The right-of-way to be vacated extends north to south between Waterloo Street and LaCrosse Street, approximately 270 feet north of Omaha Street.

STAFF REVIEW: On May 13, 2010, the Future Land Use Committee reviewed the associated proposed Comprehensive Plan Amendment from Medium Density Residential and Mobile Home Park to Office Commercial with a Planned Commercial Development and recommended approval of the proposed change.

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.*

Numerous mobile homes were removed from the property approximately four years ago and the property has been vacant since. Staff has not identified any substantially changed conditions.

- 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 buildings and building groups surrounded by landscaped yards and open areas. Residential land uses are located north of the property. A car dealership is located to the south of the property. The Office Commercial District provides a buffer between the residential uses to the north and the commercial uses to the south. The proposed rezoning and the land uses and zoning of the adjacent properties appear to be consistent with the intent and purposes of this ordinance. A Planned Commercial Development, as proposed by the applicant, will help to mitigate any significant negative impacts between the two existing land uses.

- 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.*

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The property included in the proposed change is currently vacant. Waterloo Street, a sub-collector street, is located adjacent to the property on the west side. East Omaha Street, a principal arterial street, is located approximately 270 feet south of the property. The potential office commercial uses on the property would complement the existing and surrounding neighborhood uses and provide a buffer between the existing General Commercial land uses and existing Medium Density Residential land uses. A Planned Commercial Development, as proposed by the applicant, will help to mitigate any significant negative impacts between the two land uses. The proposed amendment would not appear to have any significant adverse effect on any part of the City, nor does there appear to be any significant adverse effects resulting from this amendment.

- 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 Comprehensive Land Use Plan indicates that this area is appropriate for residential land uses. However, the Future Land Use Committee recommended approval of the associated Comprehensive Plan Amendments to change the land use designation from Medium Density Residential and Mobile Home Park to Office Commercial with a Planned Commercial Development. If the accompanying Future Land Use Plan amendment is approved, the requested rezoning from Medium Density Residential District to Office Commercial District will be consistent with the adopted Comprehensive Plan provided the Planned Development Designation is also approved in conjunction with the Rezoning.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission at the June 10, 2010 Planning Commission meeting if this requirement has not been met. Staff did not receive any inquiries regarding the request.