

STAFF REPORT

April 26, 2001

No. 01CA005 - Comprehensive Plan Amendment to amend the Comprehensive Plan 5th Year Review from General Commercial to High Density Residential

ITEM 12

GENERAL INFORMATION:

PETITIONER	David Howard
REQUEST	No. 01CA005 - Comprehensive Plan Amendment to amend the Comprehensive Plan 5th Year Review from General Commercial to High Density Residential
LEGAL DESCRIPTION	Lots 12 and 13 of Block 4 of Denman's Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 Acres
LOCATION	209 East Saint Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	High Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Based on the City Council's action, the Planning Commission may wish to recommend that the Comprehensive Plan Amendment to amend the Comprehensive Plan 5th Year Review from General Commercial to High Density Residential be approved.

GENERAL COMMENTS: The subject property is located in the 200 block of East Saint Joseph Street. The applicant is seeking to change the future land use designation from General Commercial District to High Density Residential District.

Currently, an 864 square foot structure with a basement is located on the property. The applicant has indicated that the building was used as a dental laboratory for approximately 18 years. In addition, "Olson Staffing", a service rental agency, was located within the building for approximately 1½ years. From May through November of 1999, the building was used as a vacuum cleaner sales store. The applicant has indicated that the building has remained vacant since November of 1999.

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On February 9, 2001, the applicant submitted a rezoning request to rezone the property from General Commercial District to High Density Residential District. The applicant is proposing to rezone the property as identified in order to use the existing structure as a residence. On March 19, 2001, the City Council continued the rezoning request to the May 7, 2001 City Council meeting to allow the applicant to submit an application to amend the Comprehensive Plan from General Commercial District to High Density Residential District.

STAFF REVIEW: The adopted Comprehensive Plan is a framework within which development and rezoning proposals can be measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

As previously indicated, the subject property is located in the north half of the 200 block of East Saint Joseph Street. The north half of the block is currently zoned General Commercial District and the south half of the block is zoned High Density Residential District. Currently, three residences are located in the north half of the block and are considered legal nonconforming structures. A law office is located at the east end of the block, two houses down from the subject property. Several commercial uses currently exist along the north side of East Saint Joseph Street, across from the subject property. During the review of the rezoning request to rezone the subject property from General Commercial District to High Density Residential District, staff indicated that the property is located within a transitional area. The property as well as the surrounding area, known as Denman's Subdivision, was originally platted in 1883 and, subsequently, developed as a residential subdivision. In 1968, the north half of Block 4 of Denman's Subdivision, including the subject property, was zoned General Commercial. In addition, the properties located along the north side of East Saint Joseph Street were also zoned General Commercial. Staff also indicated that the proposed rezoning request may result in a conflict in the permitted land uses and recommended that the rezoning request be denied. However, based on the existing residential use within the area, the City Council indicated that the rezoning request would be approved contingent upon the applicant submitting an application to amend the Comprehensive Plan. As such, the Planning Commission may wish to recommend that the Comprehensive Plan Amendment to amend the Comprehensive Plan 5th Year Review from General Commercial to High Density Residential be approved.

Staff notes that Comprehensive Plan Amendments do not require direct notification of neighboring property owners; however, South Dakota Codified Law requires that plan amendments be advertised in a local newspaper.