

STAFF REPORT

January 10, 2002

No. 01RZ070 - Rezoning from Medium Density Residential District to Public District **ITEM 41**

GENERAL INFORMATION:

PETITIONER	Pennington County
REQUEST	No. 01RZ070 - Rezoning from Medium Density Residential District to Public District
EXISTING LEGAL DESCRIPTION	Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.60 acres
LOCATION	703 Adams Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Public District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/13/2001
REPORT BY	Marcia Elkins

RECOMMENDATION:

Staff recommends that the Rezoning from Medium Density Residential District to Public District be denied.

GENERAL COMMENTS: The property in question is located north of North Street, south of Adams Street, between the alley and North Seventh Street. The property is developed with existing structures, including classrooms, office space and a gymnasium as well as detention cells. Parking areas are located northwest of the structure along the alley and south of the structure.

Information provided to the staff indicates that the property was originally a Catholic grade school. It appears from the deeds that the property was transferred to Pennington County in 1975. It was subsequently used as the Pennington County Juvenile Detention Center until a new facility opened at 3505 South Highway 79 in 1995. In addition, the site was the location of the Juvenile Court and was used as offices for Adult and Juvenile Probation officers. In

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1990, the court and probation offices were moved off site. In 1996, the County entered into a lease with the Rapid City School District and they used the facility as an alternative school. The School District lease was terminated in 2001.

The property was zoned Class "D" Multiple Dwelling District in 1950 and rezoned to Medium Density Residential in 1968. Schools were a permitted use in the Class "D" Multiple Dwelling District in 1950, and were a Use Permitted on Review in the Medium Density Residential Zoning District in the 1968 Ordinance. Staff cannot find any evidence that a detention facility or County offices were ever allowed in the Medium Density Residential zoning district as a permitted use or a use on review. Additionally, staff cannot find any record of a use on review application having been submitted when the School District began using the building in 1996. It appears that neither the use of the property as a detention facility nor the use of the site as a school were in compliance with the zoning regulations.

The 1974 Long Range Comprehensive Plan identified this property as appropriate for residential land uses. The North Rapid Neighborhood Area Future Land Use Plan designated the property as appropriate for Medium Density Residential land uses. The applicant is now requesting that the property be rezoned to the Public zoning district. This would facilitate the use of the property for County facilities including a Work Release detention facility.

STAFF REVIEW:

The North Rapid Neighborhood Area Future Land Use Plan identifies the area north of North Street as appropriate for Medium Density Residential land uses. Land located south of North Street is identified as appropriate for Public land uses. This includes the property currently used for the Rushmore Plaza Civic Center and Central High School. A small triangular area approximately two blocks west of the site is identified as appropriate for hotel/motel land uses. A motel is currently being constructed on that property. Additionally, a parcel approximately two blocks east of the site on the south side of North Street is identified as appropriate for General Commercial land uses. A hotel is located on that property.

The area north of North Street was found to be a cohesive residential neighborhood providing moderate priced housing opportunities including both single family and multi-family dwelling units. It was noted during the development of the North Rapid Neighborhood Area Future Land Use Plan that the property lying south of North Street was more appropriate for public and commercial uses. The area north of North Street is located on the hill above the area identified as appropriate for commercial and public uses. The topography of the area as well as the location of the collector street provides a significant buffer between these zoning districts.

As noted by the comments provided by the City Attorney's staff, the proposed introduction of Public zoning at this location "appears to be spot zoning." They noted that the property is surrounded by Medium Density Residential zoning districts on three sides with the collector

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road providing a buffer from the Public and Commercial zoning districts south of the site. It should be noted that there are isolated locations of land throughout the North Rapid area zoned Public zoning district. These properties are the locations of various school and park facilities throughout the area.

Due to its size and configuration, the existing structure on the site is not appropriate for redevelopment as a single-family residential dwelling unit. However, the structure could be reused as a multi-family dwelling unit. It should also be noted that a school could be allowed through the use on review/conditional use permit process in the Medium Density Residential zoning district. Staff believes that there are a number of appropriate uses of the existing structure that would be consistent with the existing Medium Density Residential zoning of the property.

No specific comments were received regarding this request. However, approximately a month ago the Rapid City Council received a petition objecting to the County's request.

For these reasons, staff recommends that the requested rezoning from Medium Density Residential to Public be denied.