

STAFF REPORT

January 23, 2003

No. 03RZ002 - Rezoning from General Agriculture District to General Commercial District **ITEM 28**

GENERAL INFORMATION:

PETITIONER	Pine Lawn Memorial Park, Inc.
REQUEST	No. 03RZ002 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E ² SW ⁴ 14-1-7 and less Lot H1-Lot B SW ⁴ 14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .88 acres
LOCATION	4301 Tower Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Right-of-Way
East:	Right-of-Way
West:	General Agriculture District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	12/27/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the rezoning from General Agriculture District to General Commercial District be approved.

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was approved by the Planning Commission on November 21, 2002 with the corresponding Comprehensive Plan Amendment; however, due to an error in the notification requirements the proposed rezoning is being reviewed with the proper notification requirements. A Use on Review was originally granted in 1985 to allow a cemetery to be located on the property. On June 15, 1992 the City Council renewed the Use on Review for the cemetery, and the use was renewed with the following stipulations:

1. The Arrowhead Drainage Basin fees be paid prior to the issuance of a building permit;
2. That a parking plan be submitted for approval of the Planning Department; and

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3. That any change to the approved site plan require an amendment to this Use on Review.

In November of 1996, The City of Rapid City initiated a rezoning request for the subject property. The request at that time was to rezone the property from the No Use classification to General Commercial Zoning District. At the time of the request, the property owner Pinelawn Memorial Park requested that they be allowed the opportunity to have their Board review the proposed rezoning. In accordance with that request, Staff recommended that the rezoning request be denied without prejudice. On December 2, 1996, the City Council heard the first reading of the request and took formal action to deny without prejudice.

In March of 1997, the City of Rapid City initiated action to rezone the property from No Use Zoning District to General Agriculture Zoning District. At the time, the Staff felt the General Agriculture would act as a short term holding zone until a long term zoning could be determined.

There is a corresponding Comprehensive Plan Amendment being considered in conjunction with this request. (02CA058)

STAFF REVIEW: Pine Lawn Cemetery is requesting that the subject property be rezoned from General Agriculture to General Commercial.

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.

As noted in 1997, the General Agriculture Zoning was intended as a holding zone. The land owner is now proposing to rezone the property to a more appropriate zoning designation.

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

The purpose of the General Commercial Zoning District is for personal and business services and the general retail business of the City. Staff believes the property will function properly in this capacity. Staff received a letter expressing concern with the landowners intent to develop a funeral home on this site.

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 proposed rezoning would not appear to have any significant negative impacts on the surrounding land uses because of the intensity of the surrounding uses. The properties to the north along Tower Road are zoned General Commercial. In addition, the properties to the east across U.S. Highway 16 are zoned General Commercial. The property to the west from the proposed rezoning is zoned General Agriculture, and it is currently being used by the property owner as a cemetery.

4. The proposed amendments shall be consistent with and not conflict with the

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Development Plan of Rapid City including any of its elements, Major Street plan, Land Use Plan and Community Facilities Plan.

The Rapid City Comprehensive Plan – Five Year Review completed in 1976 identifies this area appropriate for future Park Forest land uses. The updated Future Land Use Plan for this area has not yet been completed. Rezoning this property to General Commercial would be in conflict with the objectives of the City's currently adopted comprehensive plan. However, the corresponding Comprehensive Plan Amendment would allow for this property to be rezoned to General Commercial.

The certified mailing receipts from the notification of surrounding property owners have been returned. A sign stating a rezoning of this property has been posted at the site. Staff has received calls and a written comment regarding this request.

Based on conformance with the criteria for the review of zoning map amendments, Staff recommends that the request to rezone this property from General Commercial District to Office Commercial District be approved.