

STAFF REPORT

March 6, 2003

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**No. 03RZ004 - Rezoning from High Density Residential District to Office Commercial District**      **ITEM 28**

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GENERAL INFORMATION:

PETITIONER	Deb N Hads Investments, LLC for Hadcock Construction, Inc.
REQUEST	<b>No. 03RZ004 - Rezoning from High Density Residential District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot N less the south 3 feet of Block 116, Original Town Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota
PARCEL ACREAGE	Approximately .140 acres
LOCATION	429 Quincy Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Central Business District
South:	Office Commercial District
East:	High Density Residential District
West:	Office Commercial District with a Planned Commercial Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/24/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the rezoning from High Density Residential Zoning District to Office Commercial Zoning District be approved in conjunction with the corresponding Comprehensive Plan Amendment.

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.) This request was continued from the February 20, 2003 Planning Commission meeting to allow the applicant additional time to research the costs associated with the conversion of the structure to a new use.** The lot involved in this request is a 0.140 acre parcel. There is currently a single family residential home located at the site. A building permit was issued to remodel the garage for this structure in 1946. The rezoning request is being considered in conjunction with a Comprehensive Plan Amendment Request 03CA002.

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In 1986, the lot to the south of the proposed rezoning was rezoned from High Density Residential to Office Commercial, and it is being used as professional office(s). The lots to the west of the proposed rezoning is zoned Office Commercial with a Planned Commercial Development, and it is being used for a bank. The lots to the north are zoned Central Business District, and are being used as a beauty salon. Lots 9 and 10 on the same block were granted a Use on Review in 1981 allowing professional offices. In 1990, a Use on Review was approved with three stipulations to allow Law Offices on the subject property in a High Density Residential Zoning District. These stipulations were:

1. That this be limited to an office for one attorney and one secretary;
2. That two off-street parking stalls be provided and that they be paved within one year of the date of approval; and
3. That the Use on Review be granted to Lawrence Beihlmeyer at 429 Quincy Street.

STAFF REVIEW: 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.*

The current zoning at the site is High Density Residential; however, the proposal to rezone the subject property to the Office Commercial Zoning District is reflective of changing conditions. Much of the area surrounding the subject property was developed over 50 years ago. The City has experienced significant growth since that time, and additional areas along other similar traffic arterials have been rezoned commercially. Moreover, as discussed below, the Office Commercial Zoning District will provide a buffer between the higher-intensity Central Business District land uses to the north and principal arterial road to the west, and the residential uses to the east and southeast. The proposed rezoning is consistent with the urban fabric at the site.

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

The objectives of the Office Commercial Zoning District also state that: "Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods." This rezoning appears to be appropriate given the location of the subject property near the center of the City and adjacent to residential neighborhoods.

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 rezoning of the subject property to the Office Commercial Zoning District will not have a significant adverse affect on any surrounding areas or the City in general. The Office Commercial Zoning District will allow the property to develop in such a way to provide a

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buffer between the Central Business District and principal arterial road on one side to the residential uses on the other side. In addition, some of the surrounding high density residential zones are being used or have been used as offices at one time which is consistent with the proposed rezoning. It should be noted that adequate off-street parking in accordance with the minimum requirements of the Zoning Ordinance will need to be provided to insure that there is no significant impact on the adjacent land uses. Due to the size of the property, its location and the location of the structure on the site, the use allowed on the site may be limited. Long term it may be more appropriate to redevelop the property in conjunction with the adjacent property to the east.

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 City of Rapid City Long Range Comprehensive Plan 2000 has the property designated as a residential land use. The applicant has submitted a Comprehensive Plan Amendment proposing to amend the Comprehensive Plan from residential land use to office commercial land use. Upon approval of the proposed Comprehensive Plan Amendment, the property will be in compliance with the land use plan.

The required rezoning sign has been posted on the property. As of this writing, the receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission on February 20, 2003, if the receipts are not received by then. Staff has not received any written comments or verbal questions concerning the proposed rezoning at the time of this writing.

Based on conformance with the criteria for review of zoning map amendments, Staff recommends that the request to rezone this property from the High Density Residential Zoning District to the Office Commercial Zoning District be approved in conjunction with the corresponding Comprehensive Plan Amendment.