

STAFF REPORT

January 22, 2004

No. 03RZ057 - Rezoning from Low Density Residential District to Office Commercial District

ITEM 19

GENERAL INFORMATION:

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| PETITIONER | Thurston Design Group, LLP for the Children's Home Society of South Dakota |
| REQUEST | No. 03RZ057 - Rezoning from Low Density Residential District to Office Commercial District |
| EXISTING LEGAL DESCRIPTION | Tract B, Neff's Subdivision #4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 2.79 acres |
| LOCATION | 1330 Jolly Lane |
| EXISTING ZONING | Low Density Residential District w/ Planned Residential Development |
| SURROUNDING ZONING | |
| North: | Limited Agriculture District (County) |
| South: | Suburban Residential District (County) |
| East: | Low Density Residential District |
| West: | General Commercial District |
| PUBLIC UTILITIES | Rapid Valley Sanitary District |
| DATE OF APPLICATION | 12/26/2003 |
| REPORT BY | Karen Bulman |

RECOMMENDATION: Staff recommends that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with a Planned Commercial Development – Initial and Final Development Plan and the related Amendment to the Comprehensive Plan.

GENERAL COMMENTS: The applicant is requesting to rezone approximately 2.79 acres of property located north of Twilight Drive and east of Jolly Lane Road. The property was annexed into the City limits in 2000 and is zoned Low Density Residential District. The property located to the east is zoned Low Density Residential District. The property located to the west is zoned General Commercial District. The property located to the north is zoned Limited Agriculture District by Pennington County. The property located to the south is zoned Suburban Residential District by Pennington County. Jolly Lane Road terminates at the entrance into the subject property.

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The Children's Home Society of South Dakota provides a temporary residence for children through the emergency foster home located on the property. Three full time employees live at the children's home. The applicant has indicated that they plan to expand counseling services and office uses on the site and construct a 1,790 square foot addition. An application to change the Elk Vale Neighborhood Future Land Use Plan from Low Density Residential to Office Commercial with a Planned Commercial Development (03CA045) and a Planned Commercial Development – Initial and Final Development Plan (03PD063) have been submitted in conjunction with this rezoning.

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 applicant has indicated that they plan to extend services for children and add additional office space. Commercial office uses are not permitted in Low Density Residential Zoning Districts. However, residential group homes are allowed with a Conditional Use Permit within Office Commercial Zoning Districts. The applicant is requesting to change the zoning to allow the expanded counseling and office uses on the site.

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

Office Commercial Zoning District is intended for institutional and commercial activities with open and landscaped areas. As such, these uses are suitable in a suburban location near residential areas. Office Commercial Zoning District allows residential uses with a Planned Commercial Development. The Planned Commercial Development will help to mitigate any adverse impacts of future development on the subject property. Based on the intent of this ordinance, rezoning the property Office Commercial District with the related Planned Commercial Development – Initial and Final Development Plan appears to be appropriate.

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 additional office space proposed will create additional drainage in the area. A detention pond located on the southern boundary of the subject property must remain in place. The property is located adjacent to undeveloped property to the north and east. Residential property is located to the south of the subject property. The applicant's plan identifies the installation of additional landscaping along the southern portion of their developed area. This will provide additional buffering and adequate drainage improvements to buffer the adjacent residential land uses. A Planned Commercial Development will help mitigate any significant adverse impacts of any future development on the subject property.

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

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

The Comprehensive Plan identifies the subject property as appropriate for low density residential land use(s). An Amendment to the Comprehensive Plan to change the land use on the subject property from Low Density Residential to Office Commercial with a Planned Commercial Development has been submitted in conjunction with this rezoning. If the Comprehensive Plan Amendment is approved, the proposed use will be consistent with the adopted plan.

Based on conformance with the criteria for the review of zoning map amendments, Staff recommends that the request to rezone this property from Low Density Residential District to Office Commercial District be approved in conjunction with a Planned Commercial Development – Initial and Final Plan and the related Amendment to the Comprehensive Plan.

The required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.