

STAFF REPORT
October 27, 2005

No. 05RZ054 - Rezoning from General Commercial to Low Density Residential II

ITEM 34

GENERAL INFORMATION:

PETITIONER	Dream Design International for Thomas O'Meara
REQUEST	No. 05RZ054 - Rezoning from General Commercial to Low Density Residential II
EXISTING LEGAL DESCRIPTION	Part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 right-of-way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.98 acres
LOCATION	4080 Tower Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Commercial District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/30/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION: Staff recommends that the Rezoning from General Commercial to Low Density Residential II be denied without prejudice.

GENERAL COMMENTS: This developed property contains approximately 2.98 acres and is located adjacent to Tower Road on the west and U.S. Highway 16 on the east. Land located north and east of the subject property is zoned General Commercial District. Land located south of the subject property is zoned General Agriculture District. Land located west of the property is zoned Park Forest District. Applications for a Comprehensive Plan Amendment (05CA038), a Preliminary Plat (05PL181), and a Variance to the Subdivision

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Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, street light conduit along U.S. Highway 16 (05SV069) have also been submitted in conjunction with the rezoning of the property.

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.*

This property is zoned General Commercial District and is the location of a motel and a motel manager's residence. The property owners have indicated that they wish to subdivide the property into a separate commercial property and a residential property as part of the sale of the property. Application for a Preliminary Plat of the property has been submitted. A plat for property with a residential use cannot be placed in a General Commercial District. The property needs to be rezoned to allow residential uses prior to subdividing the property.

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

The Low Density Residential II Zoning District is intended to be used for slightly higher population density, but with basic restrictions similar to LDR-1 district. Low Density Residential II District is to be used for single family and two-family residential dwellings. The area on Tower Road is a mixture of residential and commercial development. The subject property is located adjacent to General Agriculture, General Commercial, and Park Forest Zoning Districts. It appears that Low Density Residential II Zoning District would be spot zoning as there are no Low Density Residential Districts adjacent or in the near vicinity of the subject property. However, Office Commercial District would be a good transition from General Commercial Zoning to Park Forest Zoning at this particular location and would allow Low Density Residential II uses on the property. Staff recommends that this application be denied without prejudice to allow the applicant to submit an application to rezone the property from General Commercial District to Office Commercial District.

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.*

Staff has not identified any significant adverse affects on any of the surrounding land uses or any other part of the City

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 adopted US Highway 16 Future Land Use Plan identifies this area as appropriate for General Commercial land uses. Adjacent properties are identified as appropriate for land

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uses for Planned Residential Development with a maximum density of three dwelling units per acre. An application for a Comprehensive Plan Amendment to change the land use from General Commercial land use to Low Density Residential II Land use has been submitted with this application for rezoning. The designation of Low Density Residential II zoning at this location would constitute spot zoning and would not be appropriate located between a City street (Tower Road) and a State Highway (U.S. Highway 16 / Mt. Rushmore Road). Therefore, staff cannot recommend approval of the request to change the land use from General Commercial uses to Low Density Residential II land uses. Staff has reviewed the alternative of rezoning the property to Office Commercial with the applicant's representative, and he concurs with that alternative.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the October 27, 2005 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be denied without prejudice.