

STAFF REPORT
November 9, 2006

No. 06RZ057 - Rezoning from Park Forest District to Office Commercial District **ITEM 59**

GENERAL INFORMATION:

PETITIONER	John Skulborstad
REQUEST	No. 06RZ057 - Rezoning from Park Forest District to Office Commercial District
EXISTING LEGAL DESCRIPTION	Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.9 acres
LOCATION	4600 Jackson Boulevard
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Rezoning request from Park Forest District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment to the Long Range Future Land Use Plan.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the subject property from Park Forest District to Office Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Long Range Future Land Use Plan from Public District to Office Commercial with a Planned Commercial Development. (See companion item #06CA045.)

On January 10, 2001, the applicant submitted a Rezoning request to change the zoning designation of the subject property from Park Forest District to Office Commercial District. The request was denied without prejudice by the City Council on June 18, 2001 at the applicant's request.

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On June 17, 2002, the City Council approved Preliminary and Final Plat #01PL110 to subdivide approximately 23 acres into seven lots, which included the subject property. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and water and to allow a sidewalk along one side of the interior street. On February 21, 2002, the Planning Commission approved an Initial and Final Planned Residential Development to allow for the development of seven single family residences on the 23 acre parcel. On February 13, 2003, the Register of Deed's Office vacated the plat and, as such, the property reverted to its previous legal description of "Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision".

On May 5, 2003, the City Council approved a Layout Plat to subdivide the 23 acre parcel into three lots, which also included the subject property. On June 17, 2003, the City Council approved a Variance to the Subdivision Regulations for improvements along Feather Ridge Court and that portion of Jackson Boulevard located adjacent to proposed Lots 2 and 3 with the stipulations that the first fifty feet of Feather Ridge Court be paved and that a waiver of right to protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit, sewer and water along the north side of Jackson Boulevard be signed by the applicant. (See file #03PL036 and file #03SV014.)

On June 26, 2003, the Planning Commission approved a Major Amendment to the Planned Residential Development to allow the three residential sites. On July 21, 2003, City Council approved a Preliminary Plat to create three lots known as "Vista Lake Subdivision". In addition, on May 16, 2005, the City Council approved a Final Plat for the three lots. (See companion item #06PL063.)

On September 25, 2003, the Planning Commission approved another Major Amendment to the Planned Residential Development to allow a photography studio as a Major Home Occupation on proposed Lot 1. The applicant is now proposing to rezone Lot 1 to Office Commercial District. The approved Planned Development for Lot 1 continues to identify the approved use(s) on the parcel. Any change in use will require a Major Amendment to the Planned Development.

The property is located north and west of the intersection of Chapel Lane and Jackson Boulevard on the north side of Jackson Boulevard. Currently, a structure is located on proposed Lot 1. At one time the building was the site of the Johnson Siding Volunteer Fire Department.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

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There does not appear to be substantially changed or changing conditions within this area. As noted above, the applicant had submitted a request to change the zoning designation of the subject property from Park Forest District to Office Commercial District in 2001. At that time, staff and the Planning Commission indicated support of the proposed rezoning request due to the location of the property along Jackson Boulevard, a principal arterial street. In addition, it was noted that the property is across the street from the intersection of Chapel Lane and directly adjacent to the Blessed Sacrament Church, an intersection with a large volume of traffic. As such, Office Commercial use(s) at this intersection appears to be appropriate due to the existing traffic and to serve as a buffer to the existing and proposed residential use(s) located west of the subject property.

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

The purpose of the Office Commercial District as stated in the Zoning Ordinance is to "...provide for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods". The subject property is located north of an arterial street and adjacent to a residential area. In addition, the Initial and Final Planned Development will serve as a tool to address concerns specific to the subject property and to mitigate any potential negative impacts the office commercial use may have on the adjacent properties.

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 amendment.

Staff has not identified any significant adverse impacts that will result from the requested rezoning. The additional review provided by an Initial and Final Planned Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated.

4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.

The Major Street Plan identifies Jackson Boulevard as a principal arterial. Allowing office commercial use(s) along a principal arterial street is in compliance with the Major Street Plan. City water and Rapid Canyon Sanitary District sewer currently exists in the Jackson Boulevard right-of-way which will be extended to the subject property in compliance with the community facilities plan. Upon approval of the associated Comprehensive Plan Amendment request, the Rezoning request will be in compliance with the Long Range Future Land Use Plan.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at their November 9, 2006 Planning Commission meeting if this requirement

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has not been met.