

STAFF REPORT

February 8, 2001

No. 01RZ002 - Rezoning from High Density Residential District to Office Commercial District

ITEM 18

GENERAL INFORMATION:

PETITIONER	Windmere, LLC
REQUEST	No. 01RZ002 - Rezoning from High Density Residential District to Office Commercial District
LEGAL DESCRIPTION	Lots 12 thru 16 of Block 115 of the Original Town of Rapid City located in the SW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .40 Acres
LOCATION	At the southeast corner of the intersection of 6th Street and Quincy Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Central Business District
South:	High Density Residential District
East:	Office Commercial District
West:	High Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Rezoning from High Density Residential District to Office Commercial District be approved with the following stipulation:

Urban Planning Division Recommendations:

1. Prior to City Council approval, the associated Planned Commercial Development shall be approved.

GENERAL COMMENTS: The petitioner is proposing to rezone the properties on which the Tobin Dental Office and the Conrad and Company Real Estate Office are located from High Density Residential District to Office Commercial District. These properties consist of five lots located at the corner of Sixth Street and Quincy Street. Both properties have been granted Use on Reviews to allow a professional office in the High Density Residential Zoning District. Additionally, the dental office property (Lots 14 through 16) was granted a variance to allow a ten foot front yard setback in lieu of the required 25 foot setback. The applicant is planning to sell the dental office property and feels that the property is more desirable if zoned Office Commercial District.

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STAFF REVIEW: Staff has reviewed this request 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.

As Rapid City has continued to grow, the areas surrounding this property have seen increasing commercialization. This is evidenced by the numerous Uses on Review, which have been granted for professional offices in the High Density Residential District surrounding the subject property.

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

The purpose of the Office Commercial Zoning District is "... to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Lands, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods." The subject property has a central location, is near residential neighborhoods and other Office Commercially Zoned properties are located nearby. Staff believes that rezoning this property is consistent with the intent and purpose of the Zoning Ordinance.

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 is not aware of any adverse affects that will result from the rezoning particularly if a Planned Commercial Development is adopted in conjunction with the rezoning request. Most of the property directly abutting the subject property is zoned High Density Residential but has been developed with professional offices. The property to the north of the subject property is zoned Central Business District and the property to the east is zoned Office Commercial. Due to the predominance of existing office and commercial land uses and zoning already in this area, Staff does not believe there will be any significant adverse impacts upon the neighborhood or City in general as a result of this Zoning. Furthermore, the uses allowed under the Office Commercial Zoning District are much less intensive than those allowed in the Central Business District which is already located on the north side of Quincy Street adjacent to the subject property.

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.

Staff believes the proposed rezoning request is consistent with these adopted plans. The 1976 Comprehensive Plan - 5th Year Review identifies this area as being near the

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boundary of commercial land uses downtown and residential land uses to the south. None of the subject property has yet been addressed as part of the City's Future Land Use Planning project.

Setbacks – Front, side and rear yard minimum required setbacks will be 25 feet when the subject property is rezoned to Office Commercial District. The site plans provided by the applicant identify that the existing structures are located within these required setbacks. Therefore, Staff requested that the applicant submit a Planned Commercial Development request that would allow for reduced setbacks. This will preclude the legal considerations associated with creating nonconforming buildings as a result of the rezoning. This request was submitted January 26, 2001 and is currently being reviewed.

The petitioner has returned the documentation of the certified mailing and the required rezoning sign has been posted on the property. Staff has not received any objections or inquiries regarding this request.