

STAFF REPORT

February 22, 2001

---

**No. 01PD001 - Initial and Final Development Plan - Planned Commercial Development**      **ITEM 13**

---

GENERAL INFORMATION:

PETITIONER	Windmere, LLC
REQUEST	<b>No. 01PD001 - Initial and Final Development Plan - Planned Commercial Development</b>
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 Initial and Final Development Plan - Planned Commercial Development be approved with the following stipulations:

Urban Planning Division Recommendations:

1. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
2. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
3. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development; and,
4. Prior to issuance of a sign permit a complete sign package shall be submitted for review and approval by the Planning Director.

GENERAL COMMENTS: In January 2001 the petitioner submitted a request to rezone the

## STAFF REPORT

February 22, 2001

---

### **No. 01PD001 - Initial and Final Development Plan - Planned Commercial Development**      **ITEM 13**

---

subject property from High Density Residential District to Office Commercial District. Currently a vacant building and a real estate office are located on this property. At the time of construction, both of these structures met the minimum setback requirements of the zoning district. On October 21, 1991 the dental office property was granted a variance to allow a ten foot front yard setback in lieu of the required 25 foot setback. Rather than create a legal nonconforming structure the applicant has requested this Planned Commercial Development to allow for the reduced setbacks.

STAFF REVIEW: Staff has reviewed this request for a Planned Commercial Development and has identified the following major issues.

**Building Setbacks:** The site plan submitted by the applicant identifies building setbacks that do not meet the minimum Zoning Ordinance requirements for the Office Commercial Zoning District. The structure on Lots 14, 15 and 16 has a front yard setback of 7.1 feet and the garage located on these same lots has a side yard setback of less than one foot. The structure located on Lots 12 and 13 has side yard setbacks of 12 feet and the garage located on these lots is located one foot from the rear lot line. The Office Commercial Zoning Ordinance requires front, rear and side yard setbacks of 25 feet. This Planned Commercial Development will authorize the reduced setbacks as they currently exist; however, any further encroachment into any setback will require a Major Amendment to this Planned Commercial Development.

**Land Use:** The applicant has noted that the structure on Lots 14, 15 and 16 is currently for sale and that the use of this property may change in the future. Staff has noted that only those uses permitted in the Office Commercial Zoning District shall be allowed; however, additional uses such as those allowed in the Office Commercial Zoning District as a Use on Review, may be allowed with the approval of a Major Amendment to this Planned Commercial Development.

As of this writing, the receipts from the certified mailing have been returned and the required Use on Review sign has been posted on the property. To date, staff has not received any calls or inquiries regarding this proposal.