

STAFF REPORT

November 6, 2003

No. 03RZ045 - Rezoning from No Use District to Office Commercial District

ITEM 12

GENERAL INFORMATION:

PETITIONER	Cindy Guthrie and Ken Kirkeby for Lutheran Social Services
REQUEST	No. 03RZ045 - Rezoning from No Use District to Office Commercial District
EXISTING LEGAL DESCRIPTION	Lot A of Lot 3 of the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .98 acres
LOCATION	1010 Soo San Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/10/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Office Commercial District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.

GENERAL COMMENTS: This property is located at 1010 Soo San Drive and east of West Middle School. The property is located adjacent to land owned by the City of Rapid City. The subject parcel, as well as property owned by the City of Rapid City and adjacent property owned by the State of South Dakota and the U.S. Federal Government, was annexed in 1947. The property was never rezoned, as it was property owned by various governmental entities. The properties located to the north, south and east of the subject property are part of that larger parcel of government land and are located in a No Use Zoning District. The property located to the west of the subject property is zoned Public District. Soo San Drive lies adjacent to the western boundary of the property. The Comprehensive Plan for this area indicates the property is appropriate for residential land uses. An application for a Planned Development Designation (03PD053) and an

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Amendment to the Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Development Designation (03CA036) have been submitted in conjunction with this Planned Development Designation.

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.*

Annexation of the subject property was completed in 1947. The property was not rezoned at that time. All annexed lands are placed in the No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The properties located to the north, south and east of the subject property are zoned No Use District. The property located to the west of the subject property is zoned Public District. The Future Land Use Committee held a neighborhood meeting to discuss the draft West Rapid Neighborhood Area Future Land Use Plan. Rezoning the subject property from No Use District to Office Commercial District with a Planned Development Designation is consistent with the Future Land Use Committee's recommendation and the concurrence of the neighborhood residents. Currently the property is being used for office commercial land use(s). An application for a Planned Development Designation (03PD053) has been submitted in conjunction with this Rezoning from No Use 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.*

The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure. The property is adjacent to Soo San Drive and is currently used as office commercial land use(s). The Engineering Division has noted that all parking will be located on site and that parking will not be permitted on the street.

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 draft West Rapid Neighborhood Area Land Use Plan for this area currently identifies the subject property as appropriate for Office Commercial land use(s) with a Planned Commercial Development. An Amendment to the Comprehensive Plan to

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change the land use designation from Residential land use(s) to Office Commercial land use(s) with a Planned Commercial Development (03CA036) has been submitted in conjunction with this rezoning request. With the approval of the Amendments to the Comprehensive Plan, rezoning the subject property from No Use District to Office Commercial District in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the sign has not been posted on the property, and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the November 6, 2003 Planning Commission meeting if these requirements have not been met. Staff has received three inquiries regarding this request.