

STAFF REPORT

February 22, 2001

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**No. 01RZ001 - Rezoning from the Park Forest District to the Office Commercial District**

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**ITEM 18**

GENERAL INFORMATION:

PETITIONER	Fisk Engineering for John Skulborstad
REQUEST	<b>No. 01RZ001 - Rezoning from the Park Forest District to the Office Commercial District</b>
LEGAL DESCRIPTION	A portion of Lot F-1 of Fish Hatchery Subdivision, located in the North Half (N1/2) of the Southeast One Quarter (SE1/4) and in the Northeast One Quarter (NE1/4) of the Southwest One Quarter (SW1/4) of Section Eight (8) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot F-1 of Fish Hatchery Subdivision; Thence, S 51 degrees 31 minutes 28 seconds W, a distance of 210.39 feet more or less, along the Highway 44 Right-of-Way to a point of curvature; Thence, following the Highway 44 Right-of-Way along a curve to the right, said curve has a radius of 1095.92 feet and a length of 110.78 feet, chord bearing of S 54 degrees 23 minutes 15 seconds W, a chord distance of 110.73 feet more or less; Thence, N 42 degrees 46 minutes 16 seconds W, 268.89 feet more or less to the north line of Lot F-1 of Fish Hatchery Subdivision; Thence, S 89 degrees 44 minutes 15 seconds E, 437.33 feet more or less, along the north line of Lot F-1 to the point of beginning. Said tract of land contains 1.00 Acres, more or less
PARCEL ACREAGE	Approximately 1 Acre
LOCATION	West of the intersection of Jackson Boulevard and Chapel Lane
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	On-site water and wastewater

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REPORT BY Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from the Park Forest District to the Office Commercial District be continued to the **March 8, 2001** Planning Commission meeting to be considered in conjunction with a Planned Development Designation.

GENERAL COMMENTS: **This item was continued at the February 8, 2001 Planning Commission meeting to allow the rezoning to be heard in conjunction with a Planned Development Designation. This staff report has been revised as of 2/12/01. New or revised text is shown in bold print.** The applicant has submitted a rezoning application to change the zoning on the above legally described property from Park Forest to Office Commercial. Currently, an unoccupied building is located on the property. At one time the building was the site of the Johnson Siding Volunteer Fire Department.

In 1999, a rezoning request to change the zoning on the subject property from Park Forest to General Commercial District was denied without prejudice. The applicant indicated that a photography studio would be located on the property. At that time, the Planning Commission indicated that the most viable option to allow a photography studio on the property was to rezone the property to Office Commercial and to amend the Office Commercial Zoning District to allow photographic studios as a Use on Review. In the fall of 1999, the Ordinance Amendment allowing photographic studios as identified, was approved. In lieu of a Use on Review, the applicant has submitted a Planned Development Designation on the subject property. (The Zoning Ordinance identifies that a Planned Commercial Development is allowed as a Use on Review in the Office Commercial District.) Staff concurs that it is appropriate for the rezoning to be approved only in conjunction with a Planned Development Designation.

STAFF REVIEW: **On January 26, 2001, the applicant submitted a Planned Development Designation request. In addition, a Preliminary and Final Plat to create a one acre lot and a Subdivision Regulations Variance request to waive sewer, water, sidewalk and street light conduit was submitted. During the review of the Preliminary and Final Plat, staff identified that additional site evaluation information and a revised Master Plan must be submitted prior to approval. The Engineering Division has indicated that concerns regarding proposed approach location(s) along Jackson Boulevard may interfere with the proposed commercial use on the subject property. As such, staff is recommending that the rezoning request be continued to the March 8, 2001 Planning Commission meeting to allow the applicant additional time to address the platting issues.** Staff has received two telephone calls from representatives of the Blessed Sacrament Catholic Church located east of the subject property. Both callers expressed concern with rezoning the property to Office Commercial without a Planned Development Designation to address site specific issues relative to the proposed use.