

STAFF REPORT

August 10, 2000

**RZN #00RZ027 - Rezoning from No Use to Medium
Density Residential**

ITEM 9

GENERAL INFORMATION:

PETITIONER	Centerline for Jan Gray
REQUEST	RZN #00RZ027 - Rezoning from No Use to Medium Density Residential
LEGAL DESCRIPTION	Beginning at the northwest corner of Section 26, T1N, R7E, B.H.M., thence N89 59'52.8"E, 1818.07 feet to point No. 100, the true point of beginning, thence N89 59'44.6"E, 506.08 feet to point No. 6, thence S0 07'49"W, 1277.08 feet to point No. 7, thence on a left curve with R=2939.79', arc of 52.23' to point No. 5, thence S89 55'56"W, 642.31 feet to point No. 12, thence N0 01'41.6"E, 662.79 feet to point No. 11, thence N13 33'40.9"E, 681.81' to point No. 100, the true point of beginning, this parcel containing 18.9890 acres, more or less
PARCEL ACREAGE	Approximately 18.989 Acres
LOCATION	On the east side of U.S. Highway 16, north of the Waterslide Park
EXISTING ZONING	No Use (City)
SURROUNDING ZONING	
North:	No Use (City)
South:	Low Density Residential (County)
East:	(County)
West:	No Use (City)
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from No Use to Medium Density Residential be denied without prejudice.

GENERAL COMMENTS: The applicant is seeking to rezone an 18.89 acre parcel from No Use to Medium Density Residential District. The applicant has also submitted an application requesting approval of a Planned Development Designation on the subject property. The property is located within the South Robbinsdale Neighborhood Area Future Land Use Plan. The Future Land Use Plan identifies the property as appropriate for development as a Planned Residential Development with a maximum of one dwelling unit per acre. The

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applicant is seeking to change the future land use designation as identified to Medium Density Residential District with a Planned Development Designation. (See companion items).

On July 10, 2000, the City Council denied without prejudice a request to rezone a portion of the subject property, approximately 10.08 acres, from No Use to General Commercial with a Planned Development Designation. On July 14, 2000, the applicant submitted a request to rezone the 10.08 from No Use to Medium Density Residential with a Planned Development Designation. The applicant later requested that this item be continued to the August 10, 2000 Planning Commission meeting to allow the applicant additional time to revise the legal description to include an additional 8.81 acres located north of the proposed original rezoning request.

The applicant also owns an approximate eight acre parcel located adjacent to U. S. Highway 16 and the subject property located adjacent to Catron Boulevard. The properties are contiguous forming an "L" shape that extends east and south of U. S. Highway 16 to Catron Boulevard. As previously indicated, the applicant submitted a request to rezone the eight acre parcel from No Use to General Commercial with a Planned Development Designation on July 14, 2000. The original proposed rezoning request to Medium Density Residential and the proposed General Commercial rezoning request would leave an approximate nine acre balance located between the properties with a "No Use" zoning designation. The applicant has submitted the revised legal description as identified in this request to include the remaining balance. The applicant has indicated that a natural drainage channel located along the northwest corner of the property serves as a division identifying the boundaries of the commercial use and the residential use. A topographic survey of the subject property and the surrounding area identifies that a drainage channel is in fact located along the northwest corner of the property and appears to create a natural division between the proposed commercial use and the proposed residential use.

STAFF REVIEW: Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of 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.*

Staff has noted that the land uses and zoning in this portion of the community has remained relatively constant. Tucker Subdivision is located directly west and south of the subject property and Meadow View Subdivision is located directly east of the subject property. Both properties are located within Pennington County, outside of the incorporated City limits of Rapid City, and were zoned Low Density Residential District in 1989. The Low Density Residential District requires a minimum three (3) acre lot size. The property to the north was annexed into the City in 1998 and is currently in the No Use Zoning District. In 1987, the South Truck By-Pass Plan was adopted identifying the appropriate land use for the subject property as Park Forest. In 1994, the South Robbinsdale Corridor Study was adopted

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identifying the appropriate land use for the property as residential. Most recently the Future Land Use Plan for the South Robbinsdale area was adopted on September 20, 1999. The South Robbinsdale Future Land Use Plan identifies the appropriate land use for the property as Planned Residential Development with a maximum of one dwelling unit per acre. There have not been any significant changes that warrant an amendment to the Plan to allow a substantial increase in density on the property.

The South Robbinsdale Future Land Use Plan identifies an appropriate land use for the annexed property as Planned Residential Development with a maximum of one dwelling unit per acre. The applicant is requesting that the subject property be rezoned to Medium Density Residential District. The anticipated gross density in the Medium Residential District identifies 15 dwelling units per acre. A total of 18 dwelling units could be located on the subject property as identified by the adopted Future Land Use Plan verses 283 dwelling units allowed in the Medium Density Residential District. This is a substantial increase in density. Staff believes that this rezoning request is not reflective of changes or changing conditions in this area. (In addition, the proposed zoning is not consistent with surrounding zoning).

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

The purpose of the Medium Density Residential District is to provide "...for medium to high population density. The principal uses of land may range from single-family to mutiple-family apartment uses." As previously indicated, the anticipated gross density in the Medium Density Residential District identifies 15 dwelling units per acre. The 18.989 acre parcel allows for approximately 283 dwelling units to be constructed on the property. Staff does not believe that the subject property should function in that capacity, particularly when consideration is given to the significant impacts that could affect the adjoining residences. In particular, staff is concerned with the amount of traffic that the proposed residential use may generate and the limited access available to the property resulting in concerns regarding traffic signalization at the access point and the issue of limited site visibility along Catron Boulevard. Staff is also concerned with the feasibility of the request due to topography and grade issues relative to the property as well as soil stability issues, drainage concerns and wild fire hazards.

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 is concerned that rezoning this property to Medium Density Residential District could result in adverse impacts to the surrounding properties inadequate access. As previously indicated, Tucker Subdivision and Meadow View Subdivision are located immediately adjacent to the subject property and are zoned Low Density Residential District (County) requiring a minimum three acre lot size. The Medium Density Residential District allows for a maximum of six dwelling units per acre resulting in an overall density that is not consistent with existing

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residential development in the area. The subject property also has one access point onto Catron Boulevard. The curvature and slope of Catron Boulevard along the front lot line of the property limits visibility to on-coming traffic along Catron Boulevard. The anticipated versus maximum gross density of 283 dwelling units could generate a traffic count of approximately 2,830 average daily trips, whereas, one dwelling unit per acre, as identified in the adopted Future Land Use Plan, will generate approximately 180 average daily trips. The topography within the boundaries of the subject property may limit the construction of interior roadways to sufficiently carry traffic within the development. The existing natural drainage channel located along the northwest corner of the property may preclude the future construction of an additional access road from this property to the applicant's adjoining property that fronts onto U. S. Highway 16.

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.*

As previously indicated, the subject property is identified as being appropriate for a Planned Residential Development with a maximum of one dwelling unit per acre on the adopted South Robbinsdale Future Land Use Plan. The plan was adopted by City Council on September 20, 1999, after much citizen participation. The proposed rezoning request was discussed with the Future Land Use Committee at a June 20, 2000 meeting. The Committee expressed concern with the feasibility of the rezoning request. The Committee also expressed concern with the amount of traffic that the proposed residential use may generate and the limited access available to the property. The Committee has indicated that based on the information currently available, the area would not be appropriate for development at medium density residential densities. However, the Future Land Use Committee has indicated that they would be willing to reconsider that position if additional information was submitted justifying the proposed densities and zoning.

Staff is recommending that the request be denied without prejudice to allow the applicant to submit more detailed information justifying the proposed Land Use Plan amendment and requested rezoning.

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 the August 10, 2000 meeting if these requirements have not been met.