

STAFF REPORT

August 10, 2000

**RZN #00RZ032 - Rezoning from No Use to Medium
Density Residential**

ITEM 26

GENERAL INFORMATION:

PETITIONER	Robert Powles for 16 Plus, LLC
REQUEST	RZN #00RZ032 - Rezoning from No Use to Medium Density Residential
LEGAL DESCRIPTION	Commencing at the Section Corner common to Sections 26, 27, 34 and 35 in T1N, R7E, BHM, Pennington County, South Dakota, thence S89 53'52"W, a distance of 33 feet, thence south, a distance of 109.68 feet, thence S07 20'00"W, a distance of 302.86 feet, thence S89 53'52"W, a distance of 428.80 feet, to the point of beginning; THENCE FIRST COURSE: S89 53'52"W, a distance of 818.69 feet; THENCE SECOND COURSE: S00 12'30"W, a distance of 1099.26 feet; THENCE THIRD COURSE: S89 47'30"E, a distance of 328.72 feet; THENCE FOURTH COURSE: N26 53'52"E, a distance of 1037.81 feet; THENCE FIFTH COURSE: N07 53'52"E, a distance of 178.06 feet; to the point of beginning, said parcel contains 15.185 acres, more or less, all located in the E1/2 of the NE1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.185 Acres
LOCATION	Approximately .6 miles south of the intersection of Catron Boulevard and U.S. Highway 16, on the west side
EXISTING ZONING	No Use
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Highway Service (County)
East:	Highway Service (County)
West:	Highway Service (County)
PUBLIC UTILITIES	City water and sewer (being extended)
REPORT BY	Marcia Elkins

RECOMMENDATION: Staff recommends that the Rezoning from No Use to Medium Density Residential be approved.

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GENERAL COMMENTS: Earlier this year the Planning Commission considered this rezoning request and recommended approval of the rezoning. The City Council concurred and approved the requested rezoning. However, following Council action the staff became aware that the legal description provided by the applicants contained an error and would not close. As a result, the applicants submitted corrected legal descriptions which have been advertised. The balance of this report remains as previously distributed to the Planning Commission as staff is unaware of any substantive changes.

The applicant has submitted this rezoning request to rezone a fifteen acre parcel of land to the Medium Density Residential Zoning District. The applicant has submitted this rezoning request as part of a proposal to annex and rezone a larger undeveloped area on the west side of U.S. Highway 16 and located to the north and south of the new Moon Meadows Drive. The property is currently located in Pennington County but is adjacent to the City limits. The total size of the property to be annexed is approximately sixty-two acres. In addition to Medium Density Residential Zoning District, the applicant is proposing Light Industrial and General Commercial Zoning for the balance of the sixty-two acre parcel (see related exhibits and Staff Reports).

STAFF REVIEW: Staff has evaluated this rezoning request with respect to the four criteria established for review of zoning map amendments established in Section 17.54.040(D)(1). 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 districts affected or in the City in general.*

Staff believes this criterion is being met. The City in general, and the U.S. Highway 16 South corridor in particular, have seen increasing growth in recent years. The construction of Catron Boulevard and the extension of City services will only further this trend. The associated rezoning request to General Commercial will result in a layer of General Commercial property along U.S. Highway 16. The Medium Density Residential Zoning as proposed will be located further to the west of the General Commercial Zoning and will be buffered from U.S. Highway 16. Additional buffering will be achieved through approval of a Planned Commercial Development for that portion of the General Commercial property.

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

Staff believes this criterion is being met. According to Chapter 17.12.010 of the Zoning Ordinance, the Medium Density Residential Zoning District is to "...provide for medium to high population density." The Code also states that "...principal uses of land may range from single-family to multiple family apartment uses." With the increasing commercial growth in this part of the community, it is important that adequate areas for residential neighborhoods also be provided.

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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 does not believe there will be any significant adverse impacts related to this proposed rezoning. As noted, the property directly to the east is proposed for General Commercial Zoning (see related item). Staff is recommending that a Planned Development Designation or Planned Commercial Development be approved in conjunction with the General Commercial rezoning to help alleviate any adverse impacts upon this Medium Density Residential rezoning.

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.*

A Layout Plat was approved for the subject property in 1998. The master plan included with this Layout Plat proposed the new alignment of Moon Meadows Drive in addition to the creation of a rearage road paralleling U.S. Highway 16. The master plan also proposed future zoning classifications including this area for Medium Density Residential land uses. Staff has noted that there appears to be some discrepancies between the 1998 master plan and the current proposal. The location of the rearage road approved in 1998 does not correspond to the boundary of the area included in the related General Commercial Zoning request. However, based upon new information recently submitted by the applicant, this rezoning will result in a two hundred foot (200') wide strip of General Commercial zoned land located on the west side of the revised rearage road location. Staff believes this depth of commercial zoning is appropriate. It is this strip of commercial zoning that will separate the Medium Density Residential land from the rearage road.

Staff has reviewed this proposed rezoning request and has found it to be in general compliance with the criteria established for Zoning map amendments. **The receipts from the certified mailing have not yet been returned by the petitioner. Staff will notify the Planning Commission in the event these receipts are not received prior to the August 10, 2000 Planning Commission meeting.** Staff has not received any objections or inquiries regarding this request.

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