

STAFF REPORT

September 21, 2000

**RZN #00RZ038 - Rezoning from No Use District to Low
Density Residential-II District**

ITEM 15

GENERAL INFORMATION:

PETITIONER	Centerline for Jan Gray
REQUEST	RZN #00RZ038 - Rezoning from No Use District to Low Density Residential-II District
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 18.9890 Acres
LOCATION	On the east side of U.S. Highway 16, north of the Waterslide Park
EXISTING ZONING	No Use District (City)
SURROUNDING ZONING	
North:	No Use District (City)
South:	Low Density Residential District (County)
East:	District (County)
West:	No Use District (City)
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential II District be approved in conjunction with the Planned Development Designation.

GENERAL COMMENTS: The applicant is seeking to rezone an 18.98 acre parcel from No Use to Low Density Residential II. 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 Future Land Use Plan area and is identified 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 a Planned Development Designation with a maximum of two dwelling units per acre. (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 August 21, 2000, the City Council denied without prejudice a request to rezone the subject property from No Use to Medium Density Residential District. In both rezoning requests, concern was expressed regarding the amount of traffic that the proposed use(s) may generate and the limited access available to the property. In addition, concern was expressed 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. The concerns stemmed from the high intensity and/or density of uses allowed within the General Commercial District and the Medium Density Residential District. As such, the applicant has submitted a rezoning request from No Use District to Low Density Residential II District with a Planned Unit Development to allow for a maximum of two dwelling units per acre.

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 have changed within the area. In 1998, a Planned Residential Development was approved to allow 74 residential lots, an equestrian center and mini-storage units to be constructed south of the subject property, across Catron Boulevard. The completion of the Southwest Connector (Catron Boulevard) in December 1999 has resulted in greater development activity in the area. The extension of municipal serves to the area and the completion of a significant east-west arterial connection have changed conditions within the area to support the extension of the proposed urban density zoning on the subject property. In addition, the Planned Development Designation will serve as a tool to address the access issues, traffic concerns and topographic and drainage concerns specific to the subject property.

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

The purpose of the Low Density Residential II District as stated in the Zoning Ordinance is to provide for single family and two family dwellings at a slightly higher population density, but with basic restrictions similar to the Low Density Residential I District. The location of the property, adjacent to a major east-west arterial, provides the proposed residential development with viable access to all major employment centers within the community. The

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additional review provided by a Planned Residential Development process will insure for unique and desirable residential home configurations that take into account the topographic concerns associated with the property.

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 does not believe that rezoning this property will result in any adverse impacts provided the associated Planned Development Designation request is approved. The additional review provided by a Planned Residential Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. With the extension of City sewer and water to the area, the proposed rezoning request is consistent with urbanized development within the area.

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. However, the applicant has submitted a concurrent request to amend the Future Land Use Plan to designate the area as appropriate for development as a Planned Residential Development to allow for two dwelling units per acre. The proposed rezoning request was discussed with the Future Land Use Committee at their August 25, 2000 meeting. The Committee compared gross densities on numerous developments around the area and concurred that two dwelling units per acre gross density is appropriate. The committee indicated that the proposed Low Density Residential II rezoning request allows for 37 dwelling units on the property and that the Planned Development Designation provides flexibility to the developer to be innovative in the design and configuration of the 37 units on the property's developable acreage. The proposed rezoning does not conflict with the currently adopted or draft Major Street Plan; however, any specific development plan for the property will be required to comply with the street network identified in that plan. Staff believes that if the Future Land Use Plan amendment request is approved, the proposed rezoning will be consistent with all applicable planning documents.

As of this writing, the receipts from the certified mailings have not been returned. The Rezone sign has been posted on the property. Staff has not received any calls or inquires regarding this proposal.