

## STAFF REPORT

September 4, 2003

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**No. 03RZ029 - Rezoning from No Use District to Medium Density Residential District**

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**ITEM 16**

GENERAL INFORMATION:

PETITIONER

City of Rapid City and Walter Linderman

REQUEST

**No. 03RZ029 - Rezoning from No Use District to Medium Density Residential District**

EXISTING

LEGAL DESCRIPTION

A portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13 less a portion of the S1/2 NW1/4 SE1/4, Section 13, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angel of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and, BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page

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181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25 feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM. Rapid City, Pennington County, South Dakota

PARCEL ACREAGE	Approximately 0.91 acres
LOCATION	Northeast of the intersection of Alta Vista Drive and Minnesota Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District w/Planned Residential Development
South:	Neighborhood Commercial District
East:	Office Commercial District w/Planned Commercial Development
West:	Low Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	08/05/2003
REPORT BY	Jeff Marino

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#### RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Medium Density Residential District be approved for that portion of the property currently zoned No Use District.

GENERAL COMMENTS: The applicant is proposing to rezone a .91 acre piece of property on the northeast corner of Minnesota Street and Alta Vista Drive from No Use Zoning District to Medium Density Residential Zoning District. The proposed rezoning includes four different lots that are approximately .22 acres in size each. The South Robbinsdale Neighborhood Area Future Land Use Map as adopted March 18, 1999 designates this property as appropriate for medium density residential land uses. The property is currently zoned No Use and Office Commercial. A corresponding rezoning request is being processed to rezone the balance of the lots from Office Commercial Zoning District to Medium Density Residential Zoning District.

During the recent effort to review the zoning map and develop a geographic information system data layer, staff identified an error in the zoning map. For that reason, the City of Rapid City is a co-applicant on this request. A portion of these lots was inadvertently left No Use Zoning District after annexation occurred in 1979. This rezoning will correct that error. The balance of the lots was rezoned to Office Commercial on August 6, 2001 using a metes and bounds legal description. When the property was platted in 2003, the zoning classification from the metes and bounds description overlapped the lots being platted. The subsequent rezoning will insure that all of Lots 3 thru 6 are zoned Medium Density Residential.

The property to the north is zoned Medium Density Residential with the property to the east being zoned Office Commercial. The property to the south is zoned Neighborhood Commercial, and the property to the west is zoned Low Density Residential.

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.*

The current zoning is No Use. This zoning classification is a temporary classification. Inadvertantly, a permanent zoning classification was not identified for the property after the annexation was approved in 1979. Additional Medium Density Residential Zoning Classifications in this area will help serve the housing needs in this growing area of the City.

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

The Future Land Use Map has these parcels of land designated as Medium Density Residential. The Future Land Use Map is a subsection of the Comprehensive Plan which

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coordinates all aspects of the city, as well as the City's growth patterns. The zoning ordinance is the tool that allows the objectives of the Comprehensive Plan to be completed. The approval of this rezoning request will bring the zoning map into compliance with intent and purposes of the Comprehensive Plan.

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 proposed residential land use appears to be appropriate and consistent with the surrounding land uses. There does not appear to be any significant adverse effects resulting from this rezoning. The proposed rezoning would serve as a transition zone between the Office Commercial Zoning District on the east side of the property and the Low Density Residential Zoning District on the west side of Alta Vista Drive.

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 South Robbinsdale Neighborhood Area Future Land Use Map designates the property as appropriate for medium density residential land uses. The proposed rezoning is consistent with the adopted plans.

The required rezoning sign has not been posted on the property at the time of this writing. As of this writing, the receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission on September 4, 2003 if the receipts are not received by then. Staff has not received any written comments or verbal questions concerning the proposed rezoning at the time of this writing.

Based on conformance with the criteria for the review of zoning map amendments, Staff recommends that the request to rezone this property from the No Use Zoning District to the Medium Density Residential Zoning District be approved