

STAFF REPORT
February 9, 2006

No. 06RZ001 - Rezoning from General Agriculture District to Medium Density Residential District **ITEM 26**

GENERAL INFORMATION:

PETITIONER FMG, Inc. for Belgarde Enterprises

REQUEST **No. 06RZ001 - Rezoning from General Agriculture District to Medium Density Residential District**

EXISTING
LEGAL DESCRIPTION

That part of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 317.69', more or less, to the point of beginning; Thence S26°24'26"W a distance of 82.06', more or less, to a point; Thence N90°00'00"W a distance of 550.47', more or less, to a point; Thence S00°00'00"E a distance of 173.49', more or less, to a point; Thence Southwesterly on a curve to the left, said curve having a radius of 208.00', a length of 36.47', a chord bearing of S55°01'23"W and a chord length of 36.42', more or less, to a point; Thence S50°00'00"W a distance of 64.59', more or less, to a point; Thence Southwesterly on a curve to the right, said curve having a radius of 92.00', a length of 57.40', a chord bearing of S67°52'30"W and a chord length of 56.48', more or less, to a point; Thence S00°00'00"W a distance of 32.25', more or less, to a point; Thence S90°00'00"W a distance of 142.80', more or less, to a point; Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54',

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more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 729.71' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 6.270 acres more or less.

PARCEL ACREAGE	Approximately 6.270 acres
LOCATION	At the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive
EXISTING ZONING	General Agriculture District - Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	General Agriculture District
East:	General Agriculture District
West:	Medium Density Residential District (Planned Residential Development) - General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/13/2006
REVIEWED BY	Travis Tegethoff / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Medium Density Residential District be approved.

GENERAL COMMENTS:

The applicant is requesting that the subject property be rezoned from General Agricultural District to Medium Density Residential District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Area Future Land Use Plan to change the designation of the subject property from a Neighborhood Commercial District with a Planned Commercial Development designation to a Medium Density Residential District with a Planned Residential Development designation with a maximum density of 4.8 dwelling units per acre. The applicant has also submitted a Preliminary Plat to create a 27.497 acre lot. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter,

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sidewalk, and sewer along Catron Boulevard and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street located along the south lot line of the subject property. (See companion items #06CA003, 06PL002, and 06SV002.)

On March 7, 2005, the City Council approved a Layout Plat to create a 21.23 acre lot, including the subject property. On June 22, 2005, the City Council denied without prejudice a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard as it abuts the subject property.

On February 10, 2005, the Planning Commission approved an Initial Planned Unit Development to allow 255 dwelling units with detached garages, a club house and recreational uses associated with the residential use to be constructed on a 21.23 acre parcel which included most of the subject property.

The subject property is located south of Catron Boulevard east of the future southern extension of Nugget Gulch Drive. The property located to the north of the subject property is currently zoned Low Density Residential. The surrounding properties to the east, south and west are all currently zoned General Agricultural District.

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.

As previously indicated the subject property was annexed into the City of Rapid City in 1999. The subject property is currently void of any structural development. The property is located in an area of increasing residential development. As the property now is located within the corporate limits of the City of Rapid City, it can be served by City water and sewer service. The provision of water and sewer service constitutes the changing condition necessitating the rezoning of the property.

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

Medium Density Residential Zoning Districts are intended to be used for residential development with medium to high population densities. This area of the City, south of Catron Boulevard and east of Sheridan Lake Road is an area of increasing residential development. The adjacent properties located to the north and east and other properties to the west of the subject property are currently zoned for residential development. Due to the existing zoning of the adjacent properties, rezoning the subject property would appear to be consistent with the intent and purposes of this ordinance.

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.

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The subject property is located adjacent to a Low Density Residential Zoning District on the north. As previously indicated the adjacent property to the east was rezoned to a Medium Density Residential District in 2005 and there are other residential properties in the immediate area. Staff is unaware of any significant adverse effects that would result from this amendment.

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 Comprehensive Plan identifies a majority of the subject property as appropriate for a Medium Density Residential Zoning District with a maximum of 4.8 dwelling units per acre of land and identifies the remainder of the subject as appropriate for a Neighborhood Commercial Zoning District. In conjunction with the rezoning of this property the applicant is requesting an amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Area Future Land Use Plan from a Neighborhood Commercial District with a Planned Commercial Development designation to a Medium Density Residential District with a Planned Residential Development designation. As such, the proposed amendment will be consistent with the Development Plan of Rapid City including the US Highway 16 Neighborhood Area Future Land Use Plan.

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