

STAFF REPORT  
February 8, 2007

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**No. 07RZ004 - Rezoning from General Commercial District to Low  
Density Residential District**

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**ITEM 22**

GENERAL INFORMATION:

PETITIONER	Boschee Engineering for OTS, Inc.
REQUEST	<b>No. 07RZ004 - Rezoning from General Commercial District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 298.47 feet to the true point of beginning; beginning at a point; thence N89°51'52"E 195.37 feet; thence N00°01'07"W 458.25 feet; thence N00°02'33"E 199.35 feet; thence N00°02'33"E 317.97 feet; thence S53°48'13"W 78.46 feet; thence N68°58'39"W 24.58 feet; thence S23°19'30"W 120.85 feet; thence S12°21'02"W 160.14 feet; thence S00°00'00"E 112.04 feet; thence S26°16'50"W 217.16 feet; thence S16°04'27"W 91.13 feet; thence S16°04'27"W 46.34 feet; thence S10°12'24"W 126.12 feet; thence S88°50'10"E 129.50 feet; thence S00°04'44"W 105.50 feet; to the point of beginning; containing 4.48 acres more or less.
PARCEL ACREAGE	Approximately 4.48 acres
LOCATION	At the southern terminus of Bendt Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Agriculture District
East:	General Agriculture District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/12/2007

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REVIEWED BY

Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial District to Low Density Residential District be continued to the February 22, 2007 Planning Commission Meeting to be heard in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the subject property from General Commercial District to Low Density Residential District. In addition, on January 26, 2007 the applicant submitted a Comprehensive Plan Amendment to the US Highway 16 Area Future Land Use Plan to change the land use designation from General Commercial with a Planned Commercial Development to a Planned Residential Development with a maximum density of 4.8 dwelling units per acre on a portion of the subject property. That application will be considered at the February 22, 2007 Planning Commission meeting. The applicant has also submitted a Preliminary Plat to subdivide the subject property into 41 residential lots. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a portion of the collector street Nugget Gulch Drive. (See companion items #06PL178, 07CA005, 07CA007, and 07RZ005.)

The property is located southeast of Catron Boulevard and Sheridan Lake Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

There does not appear to be substantially changed or changing conditions within this area. However, a natural drainage area along the west lot lines of the subject property separate the subject property from the existing and proposed commercial development(s) located west of the subject property. As previously stated, the applicant has submitted a Preliminary Plat for the subject property that will create 41 residential lots and dedicate additional right-of-way for public streets. The proposed extension of public streets as well as the extension of municipal water and sanitary sewer services to the property will support the extension of residential development. In addition, Catron Boulevard, a significant east-west arterial connection, is located approximately 1,000 feet to the north of the subject property and Nugget Gulch Drive, a collector street, will be extended through the subject property. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future.

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

The purpose of the Low Density Residential District as stated in the Zoning Ordinance is to "...be used for single-family residential development with low population densities. Additional permitted uses, by review of the Common Council, include related noncommercial, recreational, religious and educational facilities normally required to provide the basis elements of a balanced and attractive residential area". The subject property is located south of an arterial street and will be adjacent to a residential area. Due to the existing zoning of the adjacent properties, the ability to extend City water and sewer services, and the topography of the area, the proposed rezoning 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 amendment.*

The subject property is located adjacent to a Low Density Residential Zoning District on the north. As a part of the platting of the subject property, infrastructure will be constructed to serve the proposed residential development. Water pressure appears to be adequate to serve the elevations as shown and detailed water and sewer information is required as part of the Preliminary Plat application. Staff recommends that prior to approval by the City Council, a Planned Development Designation application shall be submitted and approved for the subject property. The additional review provided by an Initial and Final Planned Unit Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

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.*

The Major Street Plan identifies Nugget Gulch Drive as a proposed collector street. Allowing residential use(s) along a collector street is in compliance with the Major Street Plan. The Comprehensive Land Use Plan identifies the subject property as appropriate for General Commercial land uses with a Planned Commercial Development. On January 26, 2007 an application was submitted requesting an amendment to the Comprehensive Land Use Plan by revising the US Highway 16 Neighborhood Area Future Land Use Plan from General Commercial with a Planned Commercial Development to a Planned Residential Development with a maximum of 4.8 dwelling units per acre. As such, staff recommends the Rezoning request from General Commercial District to Low Density Residential District be continued to the February 22, 2007 Planning Commission Meeting to be heard in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned and the sign has not been posted on the property. Staff will notify the

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Planning Commission at the February 8, 2007 Planning Commission meeting if this requirement has not been met.