

STAFF REPORT

July 7, 2011

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**No. 11RZ009 - Rezoning from Low Density Residential II District to Medium Density Residential District**

**ITEM NO.  
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GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	SSST, LLC
REQUEST	<b>No. 11RZ009 - Rezoning from Low Density Residential II District to Medium Density Residential District</b>
EXISTING LEGAL DESCRIPTION	A portion of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southwesterly corner of Drainage Lot 1 of Elks Crossing, common to a point on Marlin Drive right-of-way, and the point of beginning; Thence, first course: northeasterly, along the easterly edge of said Marlin Drive right-of-way, curving to the left, on a curve with a radius of 784.00 feet, a delta angle of 00°49'14", a length of 11.23 feet, a chord bearing of N28°48'25"E, and chord distance of 11.23 feet; Thence, second course: S69°57'51"E, a distance of 209.85 feet; Thence, third course: S56°10'10"W, a distance of 222.24 feet; Thence, fourth course: N60°47'57"W, a distance of 120.15 feet to a point on the easterly edge of said Marlin Drive right-of-way; Thence, fifth course: N37°08'09"E, along the easterly edge of said Marlin Drive right-of-way, a distance of 45.85 feet; Thence, sixth course: northeasterly, along the easterly edge of said Marlin Drive right-of-way, curving to the left, on a curve with a radius of 784.00 feet, a delta angle of 07°55'07", a length of 108.35 feet, a chord bearing of N33°10'35"E, and chord distance of 108.27 feet, to the point of beginning
PARCEL ACREAGE	Approximately .650 acres
LOCATION	East of the intersection of East Minnesota Street and Marlin Drive
EXISTING ZONING	Low Density Residential II District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)

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---

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15**

---

South:	Medium Density Residential District (Planned Development Designation)
East:	Medium Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
<b>PUBLIC UTILITIES</b>	City water and sewer.
<b>DATE OF APPLICATION</b>	6/9/2011
<b>REVIEWED BY</b>	Robert Laroco / Ted Johnson

**RECOMMENDATION:**

Staff recommends that the Rezoning from Low Density Residential II District to Medium Density Residential District be approved.

**GENERAL COMMENTS:** On June 6, 2011, the applicant submitted a Rezoning request to change the zoning on approximately .65 acres of land from Low Density Residential II District to Medium Density Residential District.

The applicant has also submitted a Rezoning request to change approximately 7.718 acres of land from a General Commercial District to a Medium Density Residential District (11RZ008) and an associated Comprehensive Plan Amendment to the Future Land Use Plan (11CA006) to change the land use designation from General Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development.

The applicant has also submitted a Rezoning request to change approximately 1.244 acres of land from a Low Density Residential II District to a Medium Density Residential District (11RZ010).

The property is currently unplatted and was zoned Low Density Residential II District in the Southeast Connector Neighborhood Area Future Land Use Plan. It is located immediately to the east of Marlin Drive, approximately 680 feet from the intersection of Marlin Drive and East Minnesota Street. This land is currently undeveloped.

**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 district affected, or the City in general.*

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---

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15**

---

The property was zoned for Low Density Residential II in 2008. Staff has not identified any changing conditions.

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

The Medium Density Residential District is intended to provide a range of land uses from single-family to multiple-family apartment uses. The rezoning request creates a consistent transition in land use and density in the area. The location of the property adjacent to a current Medium Density Residential District makes it a desirable location for Medium Density Residential housing. This rezoning request is an overall increase in the intensity of use currently proposed for the property. The existing drainage to the north and east creates a large, natural buffer between current single-family homes and the proposed and existing Medium Density Residential District. Staff recommends the Rezoning request be approved. In addition, the required Initial and Final Planned Residential Development will serve as a tool to address any potential development of 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.*

The proposed rezoning of .65 acres of land located adjacent to a significantly larger existing Medium Density Residential District should not, due to its limited size, have a significant impact. The traffic and intensity associated with .65 acres of land zoned Medium Density Residential District rather than Low Density Residential II District should not be significant. A Low Density Residential II District allows for single-family homes and associated structures, as well as duplex homes. A Medium Density Residential District allows for all the permitted uses of Low Density Residential Districts, as well as multiple-family dwellings, townhomes, home businesses, boardinghouses, day cares, and assisted living facilities. The existing drainage to the north and east creates a large, natural buffer between current single-family homes and the proposed and existing Medium Density Residential District. In addition, the required Initial and Final Planned Residential Development will serve as a tool to address any potential development of the property.

4. *The proposed amendment 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.*

Water flow, access, and buffering must be addressed as part of any development of the site. The existing drainage to the north and east creates a large, natural buffer between current single-family homes and the proposed and existing Medium Density Residential District. Staff recommends the Rezoning request be approved. The proposed rezoning is consistent with the Rapid City development plan, the Major Street Plan, the Future Land Use Plan, and City utilities.

Notification Requirement: As of this writing, the white slips and green cards from the certified

STAFF REPORT  
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**ITEM NO.  
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mailing have not been returned nor has the required sign been posted on the property. Staff will notify the Planning Commission at the July 7, 2011 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries regarding this application.

Staff recommends that the Rezoning from Low Density Residential II District to Medium Density Residential District be approved.