

STAFF REPORT

July 26, 2001

No. 01RZ026 - Rezoning from No Use District to Low Density Residential-II District **ITEM 18**

GENERAL INFORMATION:

PETITIONER	FMG for William Freytag
REQUEST	No. 01RZ026 - Rezoning from No Use District to Low Density Residential-II District
LEGAL DESCRIPTION	<p>A tract of land located in the NW 1/4 of NW 1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a property corner with LS Cap 6119 which is the northwest corner of Lot 9 of Block One of Tyler Knue Subdivision in NW 1/4 of NW 1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence N00°16'55"E a distance of 77.12', more or less, to a point; Thence N13°44'34"W a distance of 107.66', more or less, to a point; Thence S66°12'08"W a distance of 303.51', more or less, to a point; Thence N89°32'23"W a distance of 279.98', more or less, to a point; Thence N00°27'37"E a distance of 121.67', more or less, to a point; Thence N45°26'14"E a distance of 159.30', more or less, to a point; Thence S44°33'46"E a distance of 12.36', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00' and an arc length of 57.47', more or less, to a point; Thence N45°57'12"E a distance of 54.45', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00' and an arc length of 47.61', with a chord S71°38'36"E a distance of 47.46', more or less, to a point; Thence N14°08'42"E a distance of 198.01', more or less, to a point; Thence N66°41'34"E a distance of 83.60', more or less, to a point; Thence N89°50'49"E a distance of 60.59', more or less, to a point; Thence S89°48'39"E a distance of 205.71', more or less, to a point; Thence N00°18'52"E a distance of 132.00', more or less, to a point; Thence S89°41'08"E a distance of 52.00', more or less, to a point; Thence S00°18'52"W a distance of 152.00', more or less, to a point; Thence S89°41'08"E a distance of 135.00', more or less, to a point; Thence S00°18'52"W a distance of 147.34', more or less, to a point; Thence southeasterly on a curve with a radius of 124.00' and an arc length of 71.73', with a chord S56°14'09"E a distance of 70.74', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 176.00' and an arc</p>

STAFF REPORT

July 26, 2001

No. 01RZ026 - Rezoning from No Use District to Low Density Residential-II District **ITEM 18**

length of 68.03', with a chord S50°44'15"E a distance of 67.61', more or less, to a point; Thence S00°16'55"W a distance of 249.47', more or less, to a Property Corner with LS Cap 4225 which is the NE corner of Lot 18 of Block 3 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 135.00', more or less, along the north property line of Lot 18 of Block 3 of Tyler Knue Subdivision, to a Property Corner with LS Cap 6119 which is the NW corner of Lot 18 of Block 3 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 52.00', more or less, to a Property Corner with LS Cap 6119 which is the NE corner of Lot 9 of Block 1 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 170.00' along the north property line of Lot 9 of Block 1 of Tyler Knue Subdivision, more or less, to the Point of Beginning.

PARCEL ACREAGE Approximately 7.539 Acres

LOCATION West of Mall Ridge

EXISTING ZONING No Use District (City)

SURROUNDING ZONING

 North: General Agriculture District (County)

 South: Mobile Home Residential District (City)

 East: Low Density Residential District (City)

 West: General Agriculture District (County)

PUBLIC UTILITIES City Sewer and Water to be Extended

REPORT BY Bill Lass

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential-II District be approved.

GENERAL COMMENTS: **7/16/01 Update: This rezoning request was recommended for approval by the Planning Commission on June 7, 2001. After the Planning Commission and City Council took action on this request, Staff identified an error in the metes and bounds description submitted by the petitioner's agent. Due to this error, it is now necessary to advertise the request and once again take action on the rezoning request. The legal description contained with this request is a corrected metes and bounds description received from the petitioner's agent.** This rezoning request has been submitted to rezone approximately 7.5 acres of property from the No Use Zoning District to the Low Density Residential- 2 Zoning District. This request **was** the

STAFF REPORT

July 26, 2001

No. 01RZ026 - Rezoning from No Use District to Low Density Residential-II District ITEM 18

companion item to an associated annexation petition and Final Plat application – **both of which were approved by the Planning Commission on June 7, 2001. A new Resolution of Annexation with the corrected metes and bounds description has already been approved by the City Council.** The associated Final Plat application proposes to plat twenty-four residential lots.

STAFF REVIEW: Staff has evaluated this rezoning request with respect to the four criteria established for review of zoning map amendments established in Section 17.54.040(D)(1). 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 districts affected or in the City in general.*

Staff believes this criterion is being met. The City overall and particularly land adjacent to major traffic arterials such as Haines Avenue are seeing continued development. This growth is evidenced in the related Final Plat application which proposes to plat twenty-four new residential lots on the subject property.

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

According to Chapter 17.44.010 of the Zoning Ordinance, the Low Density Residential – 2 Zoning District is intended to “...provide for a slightly higher population density, but with basic restrictions similar to (the) LDR-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and education facilities normally required to provide a balanced and attractive residential area. ...” With the increasing commercial growth in this area, it is important to provide additional areas for affordable housing.

- 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.*

Staff does not believe any adverse impacts will occur as a result of this rezoning. The adjacent property to the south and east is already zoned as Low Density Residential – 2 and Mobile Home Residential. The proposed rezoning of the subject property to Low Density Residential – 2 will be consistent with the adjacent land uses and zoning.

- 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 proposed rezoning to Low Density Residential – 2 is consistent with the adopted comprehensive plan. The Rapid City Area 2000 Future Land Use Plan identifies residential land uses for the subject property and surrounding areas.

STAFF REPORT

July 26, 2001

No. 01RZ026 - Rezoning from No Use District to Low Density Residential-II District **ITEM 18**

The required rezoning sign has been posted on the property. The receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission in the event the receipts are not received prior to the July 26, 2001 meeting. Staff has not received any objections or inquiries regarding this rezoning request.

Based upon conformance with the criteria for review of zoning map amendments, Staff is recommending approval of the rezoning request.