

STAFF REPORT

August 21, 2003

No. 03RZ025 - Rezoning from Park Forest District to Medium Density Residential District **ITEM 34**

GENERAL INFORMATION:

PETITIONER	Donald Ritchie
REQUEST	No. 03RZ025 - Rezoning from Park Forest District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 3 of Tract 9, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.545 acres
LOCATION	North of the intersection of Franklin Street and First Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Medium Density Residential District
East:	Park Forest District
West:	Medium Density Residential District/Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/08/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Rezoning from Park Forest District to Medium Density Residential District be **approved in conjunction with the corresponding Planned Development Designation.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the August 7, 2003 Planning Commission meeting. The applicant has submitted a corresponding Planned Development Designation (03PD037) to mitigate any of the potential negative impacts the proposed rezoning may have on the surrounding land uses. The applicant is proposing to rezone a 0.53 acre piece of property near the corner of Franklin Street and 1st Street from Park Forest to Medium Density Residential. The Future Land Use Map designates this property appropriate for residential land use. The property is currently zoned Park Forest.

The property to the south of the proposed rezoning is zoned Medium Density Residential.

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The property to the west of the subject property is zoned Medium Density Residential, and the property to the east is zoned Park Forest. In addition, the property directly north is zoned Park Forest, as well.

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 at the site is Park Forest; however, the proposal to rezone the subject property to the Medium Density Residential Zoning District is reflective of changing conditions. As the population of the City grows additional residential areas are required to service the housing requirements for the City. The City of Rapid City Long Range Comprehensive Plan – 2000 identifies the future land use of the area as residential.

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

The objectives of the Medium Density Residential Zoning District also state that: “The principal uses of land may range from single-family to multiple-family apartment uses.” This rezoning appears to be appropriate given the location of the subject property near residential neighborhoods.

City Staff has concerns regarding the impacts of development at this location. There are engineering aspects of any proposed development that need to be reviewed in detail prior to the issuance of any building permits on the sites. Concerns over slope stability, erosion, soil conditions, drainage, and utilities will need to be addressed before any building permits are issued at the site. Staff notes that, presently infrastructure is not in place to facilitate the development of the properties. The potential developer of the sites will be required to make significant infrastructure improvements in order for a building permit to be obtained. Staff is recommending that prior to approval of the rezoning of the property the applicant submit for a Planned Development Designation at the site. This designation will require an Initial and Final Development Plan to be reviewed by the Planning Commission prior to the issuance of a building permit. At the time an Initial and Final Development Plan is submitted geotechnical information, erosion control plans, drainage plans, and infrastructure information will need to be submitted for review and approval. This will give the Planning Commission the ability to ensure the development at the site is in the best interest of the community.

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 adverse effects which would result

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as a part of this rezoning with approval of the Planned Development Designation. The Planned Development Designation will ensure the proposed development will not adversely effect the surrounding land uses through the detailed review of the infrastructure, soil stability, and drainage information.

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 City of Rapid City Long Range Comprehensive Plan 2000 designates the property as appropriate for residential land uses. The request is to change the Zoning District Classification from Park Forest to Medium Density Residential, is in compliance with the Comprehensive Plan.

The required rezoning sign has been posted on the property, as of this writing, the receipts from the certified mailing have been returned. Staff will notify the Planning Commission on August 7, 2003, if the signed green cards 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. **The notification requirements have been met at this time. Additionally, staff has received oral and written comments concerning the proposed request. There were concerns raised concerning the density of any developments to be located at this site and the ability for the soils to support any development at this location.**