

STAFF REPORT

September 25, 2003

No. 03RZ034 - Rezoning from Office Commercial District to Medium Density Residential District

ITEM 34

GENERAL INFORMATION:

PETITIONER

City of Rapid City and Walter Linderman

REQUEST

No. 03RZ034 - Rezoning from Office Commercial District to Medium Density Residential District

EXISTING

LEGAL DESCRIPTION

A portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angle of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and, BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page 181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25

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feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM. Rapid City, Pennington County, South Dakota

PARCEL ACREAGE	Approximately .91 acres
LOCATION	Northeast of the intersection of Alta Vista Drive and Minnesota Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District w/Planned Residential District
South:	Neighborhood Commercial District
East:	Office Commercial District w/Planned Commercial Development
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/29/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to Medium Density Residential District be approved for that portion of the property currently zoned Office Commercial

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District.

GENERAL COMMENTS: The applicant is proposing to rezone a portion of a .91 acre property located at the northeast corner of Minnesota Street and Alta Vista Drive from Office Commercial Zoning District to Medium Density Residential Zoning District. The proposed rezoning includes four different lots that are approximately .22 acres in size each. The South Robbinsdale Neighborhood Area Future Land Use Map as adopted March 18, 1999 designates this property as appropriate for medium density residential land uses. The property is currently zoned No Use and Office Commercial. A corresponding rezoning request for the western portion of these four lots was approved by the City Council on September 15, 2003. The rezoning request was for the western portion of the lots from No Use Zoning District to Medium Density Residential Zoning District.

This rezoning along with the previous rezoning will insure that all of Lots 3 thru 6 are zoned Medium Density Residential.

The property to the north is zoned Medium Density Residential with the property to the east being zoned Office Commercial. The property to the south is zoned Neighborhood Commercial, and the property to the west is zoned Low Density Residential.

The existing land use to the north is West Hills Village, a retirement development consisting of cottages. The existing land use to the east, west, and south is undeveloped. However, beyond the immediate property to the east is an existing office commercial development, and the land use beyond the immediate land use to the west is single family homes.

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 is Office Commercial. Rezoning the eastern portion of Lots 3 – 6 will insure that the zoning district boundary matches the boundaries of the lots as platted in 2003.

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

The proposed zoning is consistent with the intent and purposes of this ordinance. The intent of the zoning ordinance is to minimize negative impacts on surrounding land uses. The zoning map is the tool which coordination of all the land uses in the City of Rapid City. The zoning map identifies this area as a mix of low density residential, medium density and office commercial land uses. The Medium Density Residential Zoning District will be consistent with the Ordinance through allowing this parcel to serve as a transition zone through commercial and residential land uses.

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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. Through the potential single family to the west and the potential office commercial uses on the east minimizing the negative impacts on the different land uses. The proposed rezoning would serve as a transition zone between the Office Commercial Zoning District on the east side of the property and the Low Density Residential Zoning District on the west side of Alta Vista Drive. There does not appear to be any significant adverse effects resulting from this rezoning.

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 South Robbinsdale Neighborhood Area Future Land Use Map designates the property as appropriate for medium density residential land uses. The proposed rezoning is consistent with the adopted plans.

The required rezoning sign has not been posted on the property at the time of this writing. As of this writing, the receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission on September 25, 2003 if the receipts 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.

Based on conformance with the criteria for the review of zoning map amendments, Staff recommends that the request to rezone this property from the Office Commercial Zoning District to the Medium Density Residential Zoning District be approved.