

STAFF REPORT

November 20, 2003

No. 03RZ043 - Rezoning from No Use District to Low Density Residential II District **ITEM 21**

GENERAL INFORMATION:

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| PETITIONER | FMG, Inc. for Bill Freytag |
| REQUEST | No. 03RZ043 - Rezoning from No Use District to Low Density Residential II District |
| EXISTING LEGAL DESCRIPTION | A tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning |
| PARCEL ACREAGE | Approximately 5.326 acres |

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| LOCATION | Located along Nicole Street |
| EXISTING ZONING | No Use District |
| SURROUNDING ZONING | |
| North: | Low Density Residential II District |
| South: | Mobile Home Residential District |
| East: | Mobile Home Residential District |
| West: | Limited Agriculture District (County) |
| PUBLIC UTILITIES | To be extended |
| DATE OF APPLICATION | 09/26/2003 |
| REPORT BY | Karen Bulman |

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential II District be **continued to the December 4, 2003 Planning Commission meeting to allow the rezoning to be considered in conjunction with a Layout, Preliminary and Final Plat and Subdivision Variance.**

GENERAL COMMENTS: This staff report has been revised as of November 10, 2003. All revised and/or added text is shown in bold print. This application was continued at the October 23, 2003 Planning Commission meeting at the applicant's request to allow the rezoning to be considered in conjunction with a Layout, Preliminary and Final Plat (03PL099) and a Subdivision Variance (03SV040). Both of these applications are being continued to the December 4, 2003 Planning Commission meeting. The subject territory contains approximately 5.326 acres and is located along Nicole Street, west of Haines Avenue and north and west of Mall Ridge. The approval of the related Petition of Annexation (03AN011) will place a No Use Zoning District designation on this property. The property owner plans to build residential structures, including townhomes, on this property and has submitted a request to rezone the property from No Use District to Low Density Residential II District.

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 subject property is currently proposed to be annexed into the City limits. Upon annexation, the property will be placed in a No Use Zoning District. The property is currently undeveloped, but the property owner plans to build residential structures,

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including townhomes, on the site. Therefore, the property owner is requesting to change the No Use Zoning District to Low Density Residential II Zoning District.

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

Property located to the north of the subject property is zoned Low Density Residential II District. The properties located to the south and east of the subject property are zoned Mobile Home Residential District. The property located to the west of the subject property is zoned General Agriculture District by Pennington County. The property is located west of Haines Avenue and north and west of Mall Ridge Subdivision. The Comprehensive Plan identifies the subject property as appropriate for residential land use(s). Rezoning this property as Low Density Residential District II would appear to be consistent with the intent and purpose 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 an amendment.*

The subject property is adjacent to Low Density Residential II District to the north and Mobile Home Residential District to the south and east. The property located west of the subject property is zoned Limited Agriculture District by Pennington County and is undeveloped property. The proposed amendment would be appropriate as the subject property is located adjacent to the surrounding residential zoning districts. The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

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 Rapid City Comprehensive Plan for this area identifies the subject property and adjacent properties as appropriate for residential land use(s). Rezoning the subject property from No Use District to Low Density Residential II District appears to be consistent with the adopted Comprehensive Plan.

Staff is recommending that the rezoning be continued to the December 4, 2003 Planning Commission meeting at the applicant's request. As of this writing, the sign has been posted on the property, and the receipts from the certified mailing have been returned. Staff has received **three inquiries but no objections** regarding this request.