

STAFF REPORT  
May 26, 2005

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**No. 05RZ037 - Rezoning from General Commercial District to Medium Density Residential District**      **ITEM 29**

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GENERAL INFORMATION:

PETITIONER	Boschee Engineering
REQUEST	<b>No. 05RZ037 - Rezoning from General Commercial District to Medium Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.72 acres
LOCATION	5225 Bendt Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential District)
South:	Low Density Residential District (Planned Residential District)
East:	Low Density Residential District (Planned Residential District)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/8/2005
REVIEWED BY	Linda Foster / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial District to Medium Density Residential District be approved contingent upon the Comprehensive Plan Amendment being approved.

GENERAL COMMENTS: The applicant is requesting to rezone approximately 7.72 acres located adjacent to Bendt Drive and Catron Boulevard. The property is currently zoned General Commercial District with a Planned Commercial Development Designation. The property located north, east, and south of the subject property is zoned Low Density Residential District with a Planned Residential Development Designation. The property located to the west of the subject property is currently zoned General Commercial with a

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Planned Commercial Development Designation. The applicant has also submitted applications to amend the Future Land Use Plan from General Commercial District with a Planned Commercial Development to a Planned Residential Development with a maximum density of 4.8 dwelling units per acre (05CA025) and a Layout Plat to subdivide the property into 36 townhome lots (05PL064).

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 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.*

The subject property is currently zoned General Commercial District. Restrictive covenants were inadvertently recorded against the property precluding the use of the property for commercial purposes. Attempts to reverse the covenants have failed. The covenants constitute the changing condition that necessitates the zoning amendment.

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

The Medium Density Residential Zoning District is intended to provide for medium to high population density. The principal uses of land may range from single-family to multiple-family apartment uses. The property is currently zoned General Commercial District with a Planned Commercial Development Designation. The property located north, east, and south of the subject property is zoned Low Density Residential District with a Planned Residential Development Designation. The property located to the west of the subject property is currently zoned General Commercial with a Planned Commercial Development Designation. Designating the property as Medium Density Residential District with a Planned Residential Development Designation would provide a transition and buffer between the neighboring land uses.

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 located adjacent to General Commercial and Low Density Residential Zoning Districts. Water and sewer services are located in Bendt Drive and Catron Boulevard adjacent to the subject property. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from General Commercial District with a Planned Commercial Development Designation to Medium Density Residential District with a Planned Residential Development Designation.

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 Comprehensive Plan identifies the subject property as appropriate for General

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Commercial Land use(s). An amendment to the Comprehensive Plan to change the land use on the subject property from General Commercial with a Planned Commercial Development Designation to a Planned Residential Development with a maximum density of 4.8 dwelling units per acre (05CA025) has been submitted in conjunction with this rezoning. If the Comprehensive Plan amendment is approved, the proposed use will be consistent with the adopted plan.

Staff recommends that the request to rezone this property from General Commercial District with a Planned Commercial Development Designation to Medium Density Residential District with a Planned Residential Development designation be approved contingent upon the Comprehensive Plan Amendment being approved.