

STAFF REPORT  
January 22, 2009

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**No. 08RZ053 - Rezoning from Office Commercial District to Low Density Residential II District**

**ITEM 12**

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GENERAL INFORMATION:

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| APPLICANT                  | Gary Rasmusson for Walgar Development Corp.  |
| AGENT                      | Doug Sperlich for Sperlich Consulting, Inc.  |
| PROPERTY OWNER             | Gary Rasmusson   |
| REQUEST                    | <b>No. 08RZ053 - Rezoning from Office Commercial District to Low Density Residential II District</b>   |
| EXISTING LEGAL DESCRIPTION | <p>A portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, and formerly described in zoning document as a portion of Parcel 4, and formerly described in zoning document as a portion of Parcel A, located in the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E, along the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 13.55 feet, to a point intersecting the easterly boundary of a previously described Rezone Parcel 4; Thence, second course: S18°38'33"E, along the easterly boundary of said Rezone Parcel 4, a distance of 2.20 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, third course: N69°52'14"E, along the northerly boundary of said Rezone Parcel A, a distance of 66.39 feet, to the northeasterly corner of said Parcel A; Thence, fourth course: S00°17'26"W, along the easterly boundary of said Parcel A, a distance of 85.27 feet, to the southeasterly corner of said Parcel A; Thence, fifth course: S69°52'14"W, along the southerly boundary of said Parcel A, a distance of 47.89 feet, to a point on the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the dedicated right-of-way of said Wisconsin Avenue; Thence, sixth course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of</p> |

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Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 08°57'01", an arc length of 36.88 feet, a chord bearing of N24°09'39"W, and a chord distance of 36.85 feet, to a point of tangent on the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point of tangent on the easterly edge of the dedicated right-of-way of Wisconsin Avenue; Thence, seventh course: N19°41'41"W, along the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 40.47 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 4; Thence, eighth course: N19°41'41"W, along the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 2.69 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, ninth course: N19°41'41"W, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 2.31 feet, to the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning

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|--------------------|---|
| PARCEL ACREAGE     | Approximately 0.120 acres                                     |
| LOCATION           | 4182 Wisconsin Avenue   |
| EXISTING ZONING    | Office Commercial District - Low Density Residential District |
| SURROUNDING ZONING |   |
| North:             | Low Density Residential District                              |
| South:             | Office Commercial District                                    |
| East:              | Low Density Residential District                              |
| West:              | Office Commercial District                                    |
| PUBLIC UTILITIES   | City water and sewer  |

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DATE OF APPLICATION 11/14/2008

REVIEWED BY Patsy Horton / Mary Bosworth

**RECOMMENDATION:** Staff recommends that the Rezoning from Office Commercial District to Low Density Residential II District be approved in conjunction with the associated Comprehensive Plan Amendment.

**GENERAL COMMENTS:** This undeveloped parcel contains a total of approximately 0.30 acres and is located in the northeast quadrant of Wisconsin Avenue and Minnesota Street. Portions of the property are zoned Office Commercial District and other portions are zoned Low Density Residential District. Land generally located north and east of the subject property is zoned Low Density Residential District. Land generally located south and west of the subject property is zoned Office Commercial District. The existing zoning designations were approved in 1985 to coincide with the proposed alignment of Minnesota Street. When Minnesota Street was actually constructed, the alignment shifted to the south and resulted with this parcel having three zoning designations. The current proposal, along with the associated rezoning applications (#08RZ050, #08RZ051 and #08RZ052), brings the entire lot into one zoning designation.

The Adopted Comprehensive Plan indicates that this property is appropriate for Low Density Residential land uses. An application for a Comprehensive Plan Amendment to change the land use from Low Density Residential to Low Density Residential II (#08CA042) has been submitted in conjunction with this rezoning application.

**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 relocation of the Minnesota Street right-of-way created the changing conditions of the area requiring rezoning of the property by leaving the parcel with three separate zoning designations. The proposed amendment will bring the entire lot into one zoning designation.

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

The Low Density Residential II Zoning District creates a buffer between the existing office commercial land uses and the existing single-family residential land uses and provides a cohesive district along Minnesota Street, currently identified as a minor arterial street on the Major Street Plan. The Low Density Residential II Zoning District is intended to be used for single-family and two-family residential development. The subject property is located adjacent to Low Density Residential Zoning Districts and Office Commercial Zoning Districts. Encouraging in-fill development as well as providing a transition area between the office commercial land uses and the single family

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residential land uses is consistent with the intent and purpose of the Low Density Residential II Zoning District.

- 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.*

There does not appear to be any significant adverse effects that would result from rezoning the subject property from Office Commercial District to Low Density Residential II District. Currently, the subject portion of the property zoned Office Commercial calculates to 5,227 square feet and would allow a structure that is approximately 72 feet by 72 feet. Changing the zoning designation on the parcel would create one zoning designation and a usable parcel.

- 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 Adopted Comprehensive Land Use Plan currently indicates that this area is appropriate for single family residential land uses. However, a Comprehensive Plan Amendment to change the land use from Low Density Residential to Low Density Residential II (#08CA042) has been submitted in conjunction with this rezoning application. On December 11, 2008, the Future Land Use Committee recommended approval of that associated request. If the associated Comprehensive Plan Amendment is approved, the proposed rezoning will be in compliance with the adopted Comprehensive Plan.

Based on the four criteria for the approval of rezoning requests, staff recommends that the Rezoning from Office Commercial District to Low Density Residential II District be approved in conjunction with the associated Comprehensive Plan Amendment.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the January 22, 2009 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.