

STAFF REPORT  
March 24, 2011

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**No. 11RZ002 - Rezoning from General Agriculture District to Low Density Residential District**      **ITEM 8**

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GENERAL INFORMATION:

APPLICANT	Chad Lewis - OTS, Inc.
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	OTS, Inc.
REQUEST	<b>No. 11RZ002 - Rezoning from General Agriculture District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of the SW1/4 of the SW1/4, Section 22, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 4 of Block 3 of Stoney Creek South Subdivision, common to a point on the westerly edge of the 68 feet wide right-of-way of Nugget Gulch Road; Thence, S26°19'59"W, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 152.73 feet, to a point of curvature; Thence, southwesterly, along the westerly edge of the right-of-way of said Nugget Gulch Road, curving to the left on a curve with a radius of 409.00 feet, a delta angle of 20°35'54"±, an arc length of 147.04± feet, a chord bearing of S16°02'04"W±, and a chord distance of 146.25± feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to a point on the Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22, and the Point of Beginning; Thence, first course: southwesterly, along the westerly edge of the right-of-way of said Nugget Gulch Road, curving to the left on a curve with a radius of 409.00 feet, a delta angle of 05°53'11"±, an arc length of 42.02± feet, a chord bearing of S02°47'32"W±, and a chord distance of 42.00± feet, to a point of tangency; Thence, second course: S00°08'15"E, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 293.83 feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to the northwesterly corner of Lot H-3 of the SW1/4 of the SW1/4, and the SE1/4 of the SW1/4, of Section 22; Thence, third course: S00°08'50"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 40.80 feet, to a point of curvature; Thence, fourth course: southeasterly, along</p>

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the westerly edge of the right-of-way of said Lot H-3, curving to the left on a curve with a radius of 434.00 feet, a delta angle of  $28^{\circ}06'50''$ , an arc length of 212.96 feet, a chord bearing of  $S14^{\circ}13'03''E$ , and a chord distance of 210.83 feet, to a point of reverse curvature; Thence, fifth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the right on a curve with a radius of 366.00 feet, a delta angle of  $28^{\circ}13'15''$ , an arc length of 180.27 feet, a chord bearing of  $S14^{\circ}09'51''E$ , and a chord distance of 178.46 feet, to a point of tangency; Thence, sixth course:  $S00^{\circ}02'25''E$ , along the westerly edge of the right-of-way of said Lot H-3, a distance of 16.75 feet, to a point on the westerly edge of the right-of-way of said Lot H-3, common to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, and common to the northeasterly corner of Lot 8 of Block 2 of Catron Crossing Subdivision; Thence, seventh course:  $S89^{\circ}55'17''W$ , along the northerly boundary of said Lot 8 of Block 2 of Catron Crossing Subdivision, a distance of 99.88 feet, to the northwesterly corner of said Lot 8 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 7 of Block 2 of Catron Crossing Subdivision; Thence, eighth course:  $S89^{\circ}52'45''W$ , along the northerly boundary of said Lot 7 of Block 2 of Catron Crossing Subdivision, a distance of 93.85 feet, to the northwesterly corner of said Lot 7 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 6 of Block 2 of Catron Crossing Subdivision; Thence, ninth course:  $N89^{\circ}56'47''W$ , along the northerly boundary of said Lot 6 of Block 2 of Catron Crossing Subdivision, a distance of 93.70 feet, to the northwesterly corner of said Lot 6 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 5 of Block 2 of Catron Crossing Subdivision; Thence, tenth course:  $N89^{\circ}59'19''W$ , along the northerly boundary of said Lot 5 of Block 2 of Catron Crossing Subdivision, a distance of 93.72 feet, to the northwesterly corner of said Lot 5 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 4 of Block 2 of Catron Crossing Subdivision; Thence, eleventh course:  $S89^{\circ}51'50''W$ , along the northerly boundary of said Lot 4 of Block 2 of Catron Crossing Subdivision, a distance of 93.76 feet, to the northwesterly corner of said Lot 4 of Block 2 of Catron Crossing Subdivision, common to the

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northeasterly corner of Lot 3 of Block 2 of Catron Crossing Subdivision; Thence, twelfth course: N89°52'33"W, along the northerly boundary of said Lot 3 of Block 2 of Catron Crossing Subdivision, a distance of 93.69 feet, to the northwesterly corner of said Lot 3 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 2 of Block 2 of Catron Crossing Subdivision; Thence, thirteenth course: S89°55'44"W, along the northerly boundary of said Lot 2 of Block 2 of Catron Crossing Subdivision, a distance of 72.41 feet, to the northwesterly corner of said Lot 2 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 1 of Block 2 of Catron Crossing Subdivision; Thence, fourteenth course: N76°23'31"W, along the northerly boundary of said Lot 1 of Block 2 of Catron Crossing Subdivision, a distance of 108.68 feet, to the northwesterly corner of said Lot 1 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the 52 feet wide right-of-way of Bendt Drive; Thence, fifteenth course: N00°08'35"W, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 63.37 feet, to a point of curvature; Thence, sixteenth course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 13°10'54", an arc length of 63.04 feet, a chord bearing of N06°36'18"E, and a chord distance of 62.90 feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to the southwesterly corner of Lot 9 of Block 2 of Catron Crossing Subdivision; Thence seventeenth course: S77°13'45"E, along the southerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 160.97 feet, to the southeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, eighteenth course: N12°46'51"E, along the easterly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 121.06 feet, to the northeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, nineteenth course: N76°23'05"W, along the northerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 142.67 feet, to the northwesterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the right-of-way of said Bendt Drive; Thence, twentieth course: N23°07'27"E,

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along the easterly edge of the right-of-way of said Bendt Drive, a distance of 37.31 feet, to a point of curvature; Thence, twenty-first course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 476.00 feet, a delta angle of 27°56'54", an arc length of 232.19 feet, a chord bearing of N09°22'33"E, and a chord distance of 229.89 feet, to a point of tangency; Thence, twenty-second course: N04°37'59"W, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 83.68 feet, to a point of curvature; Thence, twenty-third course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 13°23'57", an arc length of 64.08 feet, a chord bearing of N02°02'14"E, and a chord distance of 63.93 feet, to a point of reverse curvature; Thence, twenty-fourth course: northwesterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 16°13'25"±, an arc length of 92.31± feet, a chord bearing of N00°35'12"E±, and a chord distance of 92.00± feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to a point on the Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22; Thence, twenty-fifth course: N89°40'17"E±, along said Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22, a distance of 551.68± feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to a point on the Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22, and the Point of Beginning

PARCEL ACREAGE	Approximately 10.301 acres
LOCATION	West of the intersection of Overview Lane and Nugget Gulch Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)

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East: Medium Density Residential District (Planned Residential Development) - General Agriculture District  
West: Low Density Residential District (Planned Residential Development) - General Agriculture District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 2/25/2011

REVIEWED BY Karen Bulman / Karley Halsted

**RECOMMENDATION:**

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be approved.

**GENERAL COMMENTS:** The applicant has submitted a Rezoning request to change the zoning designation of the property from General Agriculture District to Low Density Residential District. The applicant has also submitted a Preliminary Plat (#11PL113) and a Planned Residential Development – Initial and Final Development Plan (#11PD013) for this property.

The U. S. Highway 16 Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Planned Residential Development with 4.8 dwelling units per acre land uses.

The property is located west of the intersection of Overview Lane and Nugget Gulch Road. Currently, the property is void of any structural development.

**STAFF REVIEW:** Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. 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 district affected, or the City in general.*

The property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. This property is a portion of a larger legal description. The applicant has submitted a Planned Residential Development (#11PD013) to develop the entire property into one drainage lot and 29 single family lots. A Preliminary Plat (#11PL013) for 30 lots located within the Planned Residential Development has also been submitted in conjunction with this rezoning application. A Planned Residential Development is located south of the property.

The platting of the property into lots and the extension of public streets has changed the existing conditions within the area. In addition, Catron Boulevard, a significant east-west arterial connection, is located approximately 700 feet north of the property, and Bendt Drive, a collector street, is located adjacent to the property. This is an area of the community that will experience continued growth and development in the immediate and foreseeable future.

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

The purpose of the Low Density Residential District as stated in the Zoning Ordinance is to be used for single-family residential development with low population densities. The U.S. Highway 16 Future Land Use Plan indicates that this property is appropriate for Planned Residential Development with a maximum of 4.8 dwelling units per acre. The property is located south of an arterial street and adjacent to residential uses located south and east of the property. Due to the existing zoning of the adjacent properties and the appropriate uses as indicated in the adopted U.S. Highway 16 Future Land Use Plan, the rezoning would appear to be consistent with the intent and purposes 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 amendment.*

The property is the southern portion of a larger parcel. The northern portion of the larger parcel is currently zoned Low Density Residential. The applicant has submitted a Planned Residential Development to develop the larger parcel. The additional review provided by an Initial and Final Planned Residential Development process will insure that any possible adverse impacts of development are adequately mitigated. The property located south of this property is zoned Low Density Residential Zoning District. Based on the provision of a Planned Development overlay and the location of adjacent Low Density Residential Zoning Districts, no significant adverse impacts that will result from the requested rezoning have been identified.

4. *The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The Major Street Plan identifies Bendt Drive as a collector street. Allowing residential use(s) along a collector street is in compliance with the Major Street Plan. The U.S. Highway 16 Future Land Use Plan identifies the property as appropriate for a Planned Residential Development with a maximum of 4.8 dwelling units per acre. The proposed Low Density Residential Zoning District is consistent with the densities approved in the land use plan. Residential uses are currently located south of the property and within a Planned Residential Development. Rezoning this property from General Agriculture District to Low Density Residential District is consistent with the approved U.S. Highway 16 Future Land Use Plan.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 24, 2011 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.

Staff recommends that the rezoning from General Agriculture District to Low Density

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Residential District be approved.