

STAFF REPORT

July 7, 2011

**No. 11RZ008 - Rezoning from General Commercial District to
Medium Density Residential District**

**ITEM NO.
14**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	SSST, LLC
REQUEST	No. 11RZ008 - Rezoning from General Commercial District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	A portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southwesterly corner of Section 16, T1N, R8E, thence, N69°10'45"E, a distance of 1416.06 feet, to a point on the northerly edge of East Minnesota Street right-of-way, and the point of beginning; Thence, first course: N45°27'18"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 522.14 feet; Thence, second course: northwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left, on a curve with a radius of 3050.00 feet, a delta angle of 07°24'33", a length of 394.41 feet, a chord bearing of N49°09'35"W, and chord distance of 394.14 feet; Thence, third course: N52°51'51"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 72.61 feet; Thence, fourth course: N07°51'51"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 35.36 feet, to the easterly edge of Marlin Drive right-of-way; Thence, fifth course: N37°08'09"E, along the easterly edge of said Marlin Drive right-of-way, a distance of 143.34 feet, to a point on the east-west section 1/16th line; Thence, sixth course: S89°56'57"E, along the east-west section 1/16th line, a distance of 647.74 feet, to the SW 1/16th corner of said Section 16; Thence, seventh course: S00°05'15"W, along the north-south section 1/16th line, a distance of 816.57 feet, to the point of beginning
PARCEL ACREAGE	Approximately 7.718 acres
LOCATION	East of the intersection of East Minnesota Street and Marlin Drive

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EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	Medium Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	6/9/2011
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial District to Medium Density Residential District be approved.

GENERAL COMMENTS: On June 6, 2011, the applicant applied for a rezoning of approximately 7.718 acres of land from a General Commercial District to a Medium Density Residential District and an associated Comprehensive Plan Amendment to the Future Land Use Plan (11CA006) to change the land use designation from General Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development. In particular, the property in question is located immediately to the northeast of the intersection of East Minnesota Street and Marlin Drive.

The applicant has also submitted an associated Rezoning request to change approximately .65 acres of land from Low Density Residential II to Medium Density Residential (11RZ009).

The applicant has also submitted an associated Rezoning request to change approximately 1.244 acres of land from a Low Density Residential II District to a Medium Density Residential District (11RZ010).

The property is currently unplatted and was designated as General Commercial use with a Planned Development Designation in the Southeast Neighborhood Area Future Land Use Plan. It is located immediately to the east of the intersection of East Minnesota Street and Marlin Drive. The land is currently undeveloped.

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.

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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 Commercial District. No substantially changed conditions have been identified that make it necessary to rezone the land in question.

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

The Rapid City Municipal Code indicates that the Medium Density Residential District is intended to provide a range of land uses from single-family to multiple-family apartment uses. The location of the property adjacent property zoned Medium Density Residential, as well being located adjacent to a Minor Arterial Road and a Collector Road, make it a desirable location for medium density residential housing. Traffic generated by General Commercial uses is higher than those generated in a medium residential district. As such, this rezoning request from a General Commercial District to a Low Density Residential District may lead to a decrease in the intensity of use. In addition, East Minnesota Street is anticipated to provide separation between the surrounding commercial zoning districts. This separation between commercial and residential districts complies with the intent of the Zoning Ordinance. The Planned Residential Development will serve as a tool to address issues associated with the development of the property. As such, it is consistent with the intent and purpose of the zoning 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 proposed rezoning will create two zoning designations on one lot. The potential impact to the area can be mitigated through the Planned Development review.

4. *The proposed amendment 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.*

Staff has identified that there may be issues with water flow and access to any future development at the site. The Planned Residential Development is the tool that the applicant can use to address any potential issues that may arise with developing the site. East Minnesota Street is designated a Minor Arterial Street on the Major Street Plan. Marlin Drive is designated as a Collector Street. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the Future Land Use Plan. As such, the proposed rezoning is not in conflict with the development plan of Rapid City.

Notification Requirement: As of this writing, the white slips and green cards from the certified mailing have not been returned, nor has the required sign been posted on the property. Staff will notify the Planning Commission at the July 7, 2011 Planning Commission meeting if these

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requirements have not been met. Staff has received no inquiries regarding this application.

Staff recommends the request for a rezoning from a General Commercial District to Medium Density Residential District be approved.