

STAFF REPORT

April 4, 2013

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**No. 12RZ019 - Rezoning from Low Density Residential District to Medium Density Residential District** **ITEM 2**

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GENERAL INFORMATION:

APPLICANT	Renee Catron - Renner & Associates, LLC
AGENT	Parkview Estates LLC
PROPERTY OWNER	Parkview Estates LLC
REQUEST	<b>No. 12RZ019 - Rezoning from Low Density Residential District to Medium Density Residential District</b>
EXISTING LEGAL DESCRIPTION	A portion of the W1/2 of the NW1/4 of the SW 1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at south section 1/16th corner, on the west line of Section 18, T1N, R8E, BHM, common to the east line of Section 13, T1N, R7E, BHM, and the point of beginning; Thence, first course: N00°11'02"E, along the section line common to said Sections 13 and 18, a distance of 500.00 feet; Thence, second course: S89°17'02"E, a distance of 165.05 feet, to a point on the westerly boundary of Tract A, of Block 19, of Robbinsdale Addition No. 10; Thence, third course: S00°14'30"E, along the westerly boundary of said Tract A, a distance of 500 feet, to a point on the northerly boundary of Lot H1 in Lot A Revised of the N1/2 of Government Lot 4, Section 18, T1N, R8E, BHM, common to the section 1/16th line; Thence, fourth course: N89°18'01"W, along the said section1/16th line, a distance of 168.76 feet, to the said point of beginning
PARCEL ACREAGE	Approximately 1.916 acres
LOCATION	East of Parkview Drive and south of East Minnesota Street
EXISTING ZONING	Low Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Agricultural District
East:	Low Density Residential District

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West:	Public District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	December 14, 2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to Medium Density Residential District **be approved in conjunction with the Final Planned Development Overlay.**

GENERAL COMMENTS:

**(Update March 25, 2013. All revised and/or added text is shown in bold.) This item was continued at the January 24, 2013, Planning Commission meeting to allow the applicant to address the outstanding violation on the property. On March 21, 2013, a Preliminary Subdivision Plan (File #13PL019) was approved to create 8 lots and a "Common Lot". The development of the property will be dependent upon approval of Development Engineering Plans and a Final Plat application. In addition, the applicant has submitted a Final Planned Development Overlay (File #12PD043) to allow a townhome development. The applicant is proposing to further subdivide the 8 lots into 24 townhome lots as development occurs.**

(Update January 16, 2013. All revised and/or added text is shown in bold.) This item was continued at the January 10, 2012, Planning Commission meeting to allow the applicant to address the outstanding violation on the property. The applicant must plat the above legally described property prior to approval of any development applications. As of this writing, the applicant has not submitted a Preliminary Subdivision Plan, the first step in the platting process. The platting process takes approximately 90 days to complete. As such, staff recommends that this item be continued to the April 4, 2013 Planning Commission meeting at which time staff will update the applicant's progress towards platting the property.

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Low Density Residential District to Medium Density Residential District.

The property is located on the east side of Parkview Drive approximately 530 feet south of the intersection of Parkview Drive and East Minnesota Street. Currently, the property is undeveloped.

STAFF REVIEW:

**Staff has reviewed this proposed rezoning request 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***

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*or changing conditions of the area and districts affected, or in the City generally.*

Currently, it does not appear that there are any substantially changing conditions in the area.

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

The Rapid City Municipal Code states that the Medium Density Residential District is established to provide areas to provide for medium to high population density. The Rezoning request is located on the east side of Parkview Drive approximately 530 feet south of the intersection of East Minnesota Street and Parkview Drive. Land to the north is zoned Medium Density Residential District. The applicant has also submitted a Final Planned Development Overlay to allow a townhome development. The Planned Development Overlay will serve as a tool to mitigate negative impacts. It appears that the Rezoning request 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 an amendment.***

The City's adopted Future Land Use Plan identifies the future land use as Residential. The proposed Rezoning is located adjacent to Parkview Drive, identified as a Collector Street on the City's Major Street Plan. The applicant has also submitted a Final Planned Development Overlay to allow a townhome development. The Planned Development Overlay will serve as a tool to mitigate adverse effects. It does not appear that the proposed rezoning request will have an adverse affect.

**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 property is currently undeveloped. The City's Major Street Plan identifies Parkview Drive as a Collector Street. The applicant has also submitted a Final Planned Development Overlay to allow a townhome development. The Final Planned Development Overlay will serve as a tool to secure access locations onto Parkview Drive, mitigating adverse impacts. A Preliminary Subdivision Plan was approved to create 8 lots and a "Common Lot" on the above legally described property and the land located to the north. The applicant should be aware that a Final Plat must be approved prior to development of the property. The proposed rezoning is consistent with the Development Plan of Rapid City.

The above legally described property was transferred by the Register of Deeds Office in violation of State and City regulations. Pursuant to Chapter 16.04.100 of the Rapid City Municipal Code, a tract of land less than 40 acres must be platted in order for that tract of land to be legally transferred. The subject property is an approximate 1.916 acre unplatted parcel requiring that it be platted prior to transfer of ownership. As such, the Rezoning

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request cannot be approved until the property has been platted in compliance with City regulations. Staff recommends that the Rezoning request be continued to the April 4, 2013 Planning Commission meeting to allow the applicant to address the outstanding violation.

**Summary:** Staff recommends that the Rezoning request from Low Density Residential District to Medium Density Residential District be approved in conjunction with the Final Planned Development Overlay.

**Notification:** As of this writing, the first class mailings have been returned to the Community Planning and Development Services Department for mailing and the required sign has been picked up. However, as of this writing, staff cannot confirm that the sign has been posted on the property. Staff will notify the Planning Commission at the April 4, 2013 Planning Commission meeting if these requirements have not been met.