

STAFF REPORT

October 9, 2003

No. 03RZ037 - Rezoning from No Use District to Medium Density Residential District

ITEM 18

GENERAL INFORMATION:

PETITIONER

Renner and Sperlich for Doeck, LLC

REQUEST

No. 03RZ037 - Rezoning from No Use District to Medium Density Residential District

EXISTING

LEGAL DESCRIPTION

A portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the southwest corner of Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; thence, first course: S00°12'10"W, along a 1/16 Section Line of Section 13, a distance of 59.68 feet, to the Southwest 1/16 Section Corner of said Section 13; thence, second course: S89°42'30"W, along the 1/16 Section Line of said Section 13, a distance of 1319.48 feet, to the South 1/16 Section Corner common to Sections 13 and 14; thence, third course: N00°02'42"E, along the 1/16 Section Line common to Sections 13 and 14, a distance of 430.21 feet; thence, fourth course: easterly, curving to the right on a curve with a radius of 474.00 feet, a delta angle of 09°57'36", an arc length of 82.40 feet, a chord bearing of N85°13'22"E, and a chord distance of 82.29 feet, to a point of tangency; thence, fifth course: S89°47'50"E, a distance of 632.92 feet, to a point of curve; thence, sixth course: easterly, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 30°10'33", an arc length of 144.31 feet, a chord bearing of S74°42'34"E, and a chord distance of 142.65 feet, to a point of tangency; thence, seventh course: S59°37'17"E, a distance of 178.46 feet, to a point of curve on the southerly edge of the right-of-way of Auburn Drive; thence, eighth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 30°27'47", an arc length of 173.33 feet, a chord bearing of S74°51'10"E, and a chord distance of 171.29 feet, to a point of tangency; thence, ninth course: N89°54'56"E, along the southerly edge of the right-of-way of said Auburn Drive, a distance of 66.02 feet, to a point of curve; thence, tenth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the right on a curve with a radius of 274.00

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feet, a delta angle of 17°26'22", an arc length of 83.40 feet, a chord bearing of S81°21'53"E, and a chord distance of 83.08 feet, to the northwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision; thence eleventh course: S00°12'10"W along the westerly boundary of said Lot 11 of the Block 6 of Auburn Hills Subdivision, a distance of 183.43 feet, to the southwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; said parcel contains 11.564 acres more or less

PARCEL ACREAGE	Approximately 11.564 acres
LOCATION	At the intersection of Chalkstone Drive and Auburn Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	General Agriculture District (County)
East:	Medium Density Residential District
West:	General Agriculture District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/28/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Medium Density Residential District be **approved** in conjunction with a Planned Development Designation.

GENERAL COMMENTS: **This staff report has been revised as of September 29, 2003. All revised and/or added text is shown in bold print.** This property is located at the corner of Chalkstone Drive and Auburn Drive east of Haines Avenue and north of Mall Ridge Subdivision. A voluntary annexation of the subject property (03AN005) was completed July 22, 2003. The adjacent property located north of the subject property was also annexed into the City in conjunction with the subject property. The property located to the south and west of the subject property is zoned General Agriculture by Pennington County. The subject property is currently zoned No Use District and has a Layout, Preliminary and Final Plat application (03PL091) to build multi-family residential housing on the property. **This application was continued to allow the applicant to submit a request for a Planned Development Designation. The public hearing for that application (03PD051) will be heard in conjunction with this rezoning application.**

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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.*

A voluntary annexation of the subject property (03AN005) was completed on July 22, 2003. All annexed lands are temporarily placed in the No Use Zoning District. The recent annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The property located to the north of the subject property was annexed into the City in conjunction with the subject property and is zoned No Use District. The property located to the south and west of the subject property is zoned General Agriculture District by Pennington County. The property located to the east of the subject property is zoned Medium Density Residential District. The applicant proposes to build an apartment dwelling or dwellings on the subject property and has submitted a Layout, Preliminary and Final Plat application (03PL091) to build multi-family residential housing on the property. The properties to the south and west are not located within the City limits. As of this writing there are no approved development plans for the adjacent property. Due to the potential conflict with likely single family residential development in the area, staff is recommending approval of this rezoning in conjunction with a Planned Residential Development overlay. Rezoning the property from No Use District to Medium Density Residential District would be consistent with the intent and purposes of this ordinance. An application for a Planned Development Designation (03PD051) has been submitted in conjunction with this Rezoning from No Use District to Medium Density Residential 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.*

The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure. As noted above, the property is surrounded by residential zoning use(s) and has access from Auburn Drive.

- 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.*

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The Rapid City Comprehensive Plan for this area currently identifies the subject property as appropriate for residential land use(s). The applicant proposes to build an apartment dwelling or dwellings on the subject property and has requested a Planned Development Designation to allow any problems to be mitigated in the future development of the property. Rezoning the subject property from No Use District to Medium Density Residential District in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the sign has been posted on the property, **and** the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding this request.