

STAFF REPORT

February 19, 2004

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**No. 03RZ049 - Rezoning from General Agriculture District to Medium Density Residential District** **ITEM 14**

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GENERAL INFORMATION:

PETITIONER	Franklin Simpson
REQUEST	<b>No. 03RZ049 - Rezoning from General Agriculture District to Medium Density Residential District</b>
EXISTING LEGAL DESCRIPTION	A parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.792 acres
LOCATION	Along Harmony Heights Lane
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Office Commercial District
South:	General Agriculture District

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East:	Medium Density Residential District
West:	Office Commercial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	11/07/2003
REPORT BY	Karen Bulman

**RECOMMENDATION:** Staff recommends that the Rezoning from General Agriculture District to Medium Density Residential District be **denied without prejudice**.

**GENERAL COMMENTS:** **This item was continued at the December 4, 2003 Planning Commission meeting to allow the applicant to submit additional information. This Staff Report has been revised as of February 9, 2004. All added and/or revised text is shown in bold print.** The applicant is requesting to rezone approximately 1.792 acres located at the northeast corner of Harmony Heights Lane and Plaza Boulevard. The property is currently zoned General Agriculture District. The properties located north and west of the subject property are zoned Office Commercial District. The property located to the east is zoned Medium Density Residential District. The property located to the south is zoned General Agriculture District. An application for a Planned Development Designation (03PD058), an Amendment to the Comprehensive Plan to change the future land use designation from Park Forest to Medium Density Residential with a Planned Residential Development (03CA041) and a Preliminary and Final Plat (03PL112) have been submitted in conjunction with this rezoning request.

**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 subject property is zoned General Agriculture District, following annexation in 1982. Since then, adjacent properties have been developed into office commercial uses and recently into multi-family residential uses. As conditions have changed substantially through development in the area, this proposed amendment may be appropriate.

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

Properties located north and west of the subject property are zoned Office Commercial District. The property located east of the subject property is zoned Medium Density Residential District. The property located south of the subject property is zoned General Agriculture District. The property is adjacent to Plaza Boulevard on the west, Harmony Heights Lane on the south and Sunny Springs Road on the east. The property in question

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is in a transitional area. Either Office Commercial or Medium Density Residential zoning may be appropriate at this location.

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.*

Currently there are over 300 dwelling units accessing Harmony Heights Lane. A second point of access from Sunny Springs Road will be needed prior to further development of the subject property. Upon completion of Sunny Springs Road, there would not appear to be any adverse affect that would occur as a result of the amendment.

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 Comprehensive Plan identifies the subject property, and the surrounding properties, as appropriate for Park Forest land use(s). An amendment to the Comprehensive Plan to change the land use on the subject property from Park Forest to Medium Density Residential (03PD058) has been submitted in conjunction with this rezoning. If the Comprehensive Plan Amendment is approved, the proposed use will be consistent with the adopted plan.

Staff recommends that the request to rezone this property from General Agriculture District to Medium Density Residential District be continued to the February 19, 2004 Planning Commission meeting to be considered in conjunction with the Preliminary and Final Plat.

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 one inquiry but no objections regarding this request.

**This item has been continued several times since the December 4, 2003 Planning Commission meeting. The additional information needed for the Preliminary and Final Plat application has not been submitted. As such, staff is recommending that the Preliminary and Final Plat be denied without prejudice. This Rezoning request was to be considered in conjunction with the Preliminary and Final Plat application, and as such, staff also recommends that the Rezoning from General Agriculture District to Medium Density Residential District be denied without prejudice. The applicant has been notified that staff is recommending that this item be denied without prejudice. The applicant has indicated that he will submit subsequent applications once the plans needed for the Preliminary and Final Plat have been completed.**