

STAFF REPORT
May 26, 2005

No. 05CA011 - Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development

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GENERAL INFORMATION:

PETITIONER	Dream Design International for SPF, LLC
REQUEST	No. 05CA011 - Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres
PARCEL ACREAGE	Approximately 39.6 Aares
LOCATION	North of Country Road east of West Nike Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District/Low Density Residential District (Pennington County)
South:	General Agriculture District/Limited Agriculture District (Pennington County)
East:	General Agriculture District/Limited Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)

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PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Karen Bulman / Curt Huus

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development be **approved**.

GENERAL COMMENTS: **This staff report has been revised as of May 18, 2005. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 39.6 acres and is located north of Country Road and east of West Nike Road. An annexation petition has been submitted for the property. If annexed, the property will be designated as a No Use District. Land located west of the subject property is zoned Low Density Residential District. Land located south and east of the subject property is zoned General Agriculture District and Limited Agriculture District by Pennington County. Land located north of the subject property is zoned General Agriculture District and Low Density Residential District by Pennington County.

The property owner has submitted a Petition of Annexation (05AN001) in conjunction with this rezoning request. In addition to this application for an Amendment to the Comprehensive Plan to change the land use from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development, the applicant has submitted a request for a Petition to Annex (05AN001), a Rezoning from No Use District to Low Density Residential District (05RZ008) and a Planned Development Designation (05PD006), a Rezoning from No Use District to Medium Density Residential District (05RZ015) and a Planned Development Designation (05PD005), a Rezoning from No Use District to Low Density Residential District (05RZ014), a Layout Plat for the subject property (05PL022), and a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer (05SV012).

STAFF REVIEW: Staff has reviewed the information provided by the applicant for all the submittals and is recommending that the Layout Plat be continued to allow the applicant to revise the Layout Plat document. Significant changes may occur on the property by revising the Layout Plat. As such, the applicant has requested that the Layout Plat and associated applications be continued to the March 24, 2005 Planning Commission meeting. Staff is recommending that the Amendment to the Comprehensive Plan to change the land use from Planned Residential Development with a maximum density of 2.5 dwelling units per

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acre to Low Density Residential with a Planned Residential Development be continued to the March 24, 2005 Planning Commission meeting to allow the Amendment to the Comprehensive Plan to be heard in conjunction with the Layout Plat and associated applications. The applicant is continuing to revise the Layout Plat document and, as such, requests that this item be continued to the April 7, 2005 Planning Commission meeting (Revised 3-15-05). This item was continued at the April 7, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that this application be continued to the April 21, 2005 Planning Commission meeting. (Revised 3-29-05) This item was continued at the April 7, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that this application be continued to the May 5, 2005 Planning Commission meeting. (Revised 4-12-05) This item was continued at the April 21, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that this application be continued to the May 26, 2005 Planning Commission meeting. (Revised 4-29-05) **This item was continued at the May 5, 2005 Planning Commission meeting to allow the applicant time to submit additional information. The information has been submitted and the Layout Plat and other submittals will all be considered at the May 26, 2005 Planning Commission meeting. (Revised 5-18-05)**

The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

Staff has reviewed this proposed comprehensive plan amendment for conformance with the six criteria for review of comprehensive plan amendments established in Section 2.60.160(D). A summary of Staff findings are outlined below:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

One of the goals of any Future Land Use Plan is to encourage compact and contiguous growth along the City's fringe that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. In-fill development and full utilization of properties currently served by infrastructure are encouraged. The subject property is located within an area proposed to change in the near future. Several rezoning and annexation applications accompany this request. The subject property is located adjacent to Country Road and West Nike Road. Sewer and water will need to be extended to this area to serve continued residential areas.

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2. Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property.

The subject property is located within an area that is proposed for development in the future. The property is currently void of any development. However, future plans for residential development have been indicated. Water and sewer will be extending into the subject property. The applicant has included a request to rezone the subject property from No Use District to Low Density Residential District. The changing conditions in the area through the future extension of water and sewer and the future road connections, increases the potential development of the property. The Future Land Use Committee met on February 18, 2005 and recommended amending the Northeast Neighborhood Area Future Land Use Plan by changing the land use designation for the subject property from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development. The property located west of the subject property is currently zoned Low Density Residential District with a Planned Residential Development. The proposal to rezone the subject property to a Low Density Residential District is reflective of a continuation of the residential development proposed for the area.

3. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.

Once the property is annexed, the property will be designated as a No Use District. Land located west of the subject property is zoned Low Density Residential District. Property located south and east of the subject property is zoned General Agriculture District and Limited Agriculture District by Pennington County. Property located north of the subject property is zoned General Agriculture District and Low Density Residential District by Pennington County. The subject property is currently undeveloped. Access to Country Road and West Nike Road, as well as the future connection to water and sewer, indicates that the subject property is well suited for development. This change is compatible with the existing and proposed uses surrounding the subject property.

4. Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation.

The subject property is adjacent to Country Road. Sewer and water services will need to be extended to the subject property. The infrastructure is in place to accommodate additional development. However, a traffic impact analysis will need to be completed in conjunction with the Preliminary Plat to determine the impact of additional traffic from the proposed development. A large area of designated flood plain is located within the area proposed for development. A Drainage Plan must be

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submitted with the Preliminary Plat to address drainage concerns.

5. *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

The subject property is undeveloped and is located in a general agriculture and residential area that is now ready for development. With the extension of water, sewer and street connections to the subject property, the proposed amendment will allow the continuation of the established residential development.

6. *Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.*

The infrastructure is in close proximity to the subject property and residential development is currently established in the area. Staff has not identified any adverse effects that the Comprehensive Plan Amendment would have on the surrounding area or on the City.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries and objections regarding the proposed request at the time of this writing.

The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development be approved. (Revised 5-18-05)