

STAFF REPORT

July 10, 2003

No. 02RZ065 - Rezoning from General Agriculture District to Low Density Residential District

ITEM 22

GENERAL INFORMATION:

PETITIONER	Dream Design International Inc.
REQUEST	No. 02RZ065 - Rezoning from General Agriculture District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; containing 1.94 acres more or less.
PARCEL ACREAGE	Approximately 1.94 acres
LOCATION	Along the extension of Birkdale Road off Muirfield Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District

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PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/25/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has requested that this item be continued several times to allow them to address concerns expressed by a recent purchaser of an adjacent lot. The applicant has recently indicated that the site may be developed differently than shown on the associated Preliminary and Final Plat document. As such, staff is recommending that the Preliminary and Final Plat as well as the associated items, including this rezoning request, be denied without prejudice. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Rezoning request to change the zoning on the subject property from General Agriculture District to Low Density Residential District. The applicant has also submitted a Planned Development Designation to allow the construction of townhomes on the subject property. In addition, the applicant has submitted a Preliminary and Final Plat to subdivide 3.42 acres, including the subject property, to create four residential lots and an outlot. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk(s) along the northern portion of Birkdale Road. (See companion items #02PD063, 02PL114 and 02SV042.)

The property is located north of Muirfield Drive and is a part of the Red Rock Estates Subdivision. A sewer lift station has recently been constructed on the outlot. The proposed residential lots are currently void of any structural development.

On June 17, 2002 City Council approved a Rezoning request to change the zoning of approximately 11 acres, including the subject property, from Low Density Residential District to General Agriculture District in order to allow an on-sale liquor establishment in the clubhouse at the Red Rock Estates golf course. (On-sale liquor establishments are not allowed in residential districts.) The Red Rock Estates Master Plan identifies the subject property as "residential lots".

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is 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.*

City sewer and water have recently been extended to the property. With the extension of municipal services, it is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future. In addition, the proposed Planned Development Designation will serve as a tool to address the issues, traffic concerns and topographic and drainage concerns specific to the subject property.

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

The purpose of the Low Density Residential District as stated in the Zoning Ordinance is to provide for single family residential development. With the extension of City sewer and water to the area, the proposed rezoning request is consistent with urbanized development within the area. The additional review provided by a Planned Residential Development process will insure unique and desirable residential home configurations that take into account the topographic concerns associated with the property.

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.*

Staff does not believe that rezoning this property will result in any adverse impacts in conjunction with the associated Planned Development Designation. The additional review provided by a Planned Residential Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site.

4. *The proposed amendments 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.*

The Rapid City Comprehensive Plan identifies the subject property as appropriate for residential land use(s). Rezoning the property to Low Density Residential is consistent with the adopted Comprehensive Plan.

The sign has been posted on the property and the certified mailing receipts have been returned. Staff has received one call of inquiry regarding the proposed development.