

STAFF REPORT  
July 21, 2005

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**No. 05RZ042 - Rezoning from No Use District to Low Density Residential District**      **ITEM 36**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Doeck, LLC
REQUEST	<b>No. 05RZ042 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	The NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	5230 Haines Avenue
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District - Planned Residential Development
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	6/10/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be **approved in conjunction with the associated Planned Development Designation and the Amendment to the Comprehensive Plan.**

GENERAL COMMENTS: **This staff report has been revised as of July 13, 2005. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 40 acres and is located north of Northbrook Village and east of Haines Avenue. The property will be zoned No Use District upon annexation into the City limits. Land located north, east and west of the subject property is zoned General Agriculture District by Pennington County. Land located south of the subject property is zoned Low Density Residential District with a Planned Residential Development. Applications for a Preliminary Plat (05PL090), a Planned Development Designation (05PD047) and an Annexation (05AN007) for the subject property have been submitted. The applicant has submitted a Comprehensive Plan Amendment (05CA030) for a portion of the subject property to change the land use from Planned Residential Development with a maximum of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential

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Development.

STAFF REVIEW: The Northeast Area Neighborhood Future Land Use Plan indicates that a portion of the subject property is appropriate for Low Density Residential land uses with a Planned Residential Development. However, the balance of the subject property is appropriate for Public land uses with an alternate land use of Planned Residential Development with a maximum of 2.5 dwelling units per acre.

The applicant met with the Future Land Use Committee on June 24, 2005 to consider changing the land use for the subject property from Planned Residential Development with a maximum of 2.5 dwelling units per acre to Low Density Residential land use with a Planned Residential Development. The Committee indicated that the area designated as public on the land use map was a drainage area and a proposed bike path had been considered for this location in the future. An alternate land use of Low Density Residential with a Planned Residential Development was indicated if the land was not acquired for public development. Any drainage issues for the subject property will be addressed through the platting process. Recently, the adjacent property had the same land use designation and received a recommendation for approval from the Future Land Use Committee for a Comprehensive Plan Amendment to change the land use on the subject property from a Planned Residential Development with a maximum of 2.5 dwelling units to Low Density Residential with a Planned Residential Development and was ultimately approved by the City Council. As such, the Future Land Use Committee has given a similar recommendation to change the land use on the subject property from a Planned Residential Development with a maximum of 2.5 dwelling units to Low Density Residential with a Planned Residential Development. The applicant has submitted a Comprehensive Plan Amendment to change the Northeast Area Future Land Use Plan for the subject property from Planned Residential Development with a maximum of 2.5 dwelling units to Low Density Residential with a Planned Residential Development (05CA030).

**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 (05AN007) has been submitted in conjunction with this rezoning request. All annexed lands are temporarily placed in the No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. The property owners have indicated they wish to develop the property at urban densities with City water and sewer. The extension of sewer and water into the subject property will allow continued development of the area and constitutes a further change in conditions of the area requiring rezoning of the property. Residential development is continuing to occur in areas north of the City along Haines Avenue. The proposed area to be developed is located east of Haines Avenue and north of Country Road. The proposal to rezone**

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---

the subject property to a Low Density Residential Zoning District is reflective of a continuation of development in the area.

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

The Low Density Residential Zoning District is intended to be used for single-family residential development with low population densities. The subject property is located adjacent to a Low Density Residential District with a Planned Residential Development in the City and General Agriculture Districts in Pennington County. The property owners have indicated that infrastructure will be extended into the area. The Northeast Area Neighborhood Future Land Use Plan indicates that this property is appropriate for Low Density Residential land uses with a Planned Residential Development. As such, an application for a Planned Development Designation has been submitted in conjunction with this rezoning request.

**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 subject property is located adjacent to General Agriculture Zoning Districts in Pennington County and a Low Density Residential District with a Planned Residential Development in the City. The applicant has indicated that water and sewer will be available to the subject property. Development issues including; drainage, traffic, landscape buffers, and any other issues, will be addressed at the time of the Planned Residential Development and Preliminary Plat approval. It is important for cities to classify areas of the city as appropriate for residential use. The accompanying Planned Development Designation will allow any potential impacts to be mitigated.

**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 Northeast Neighborhood Area Future Land Use Plan identifies a portion of this area as appropriate for Low Density Residential with a Planned Residential Development. On the balance of the subject property the Northeast Neighborhood Area Future Land Use Plan identifies a portion of the area as appropriate for a Planned Residential Development with a maximum of 2.5 dwelling units per acre. The Future Land Use Committee met on June 24, 2005 and has recommended that the land use on this portion of the subject property change from a Planned Residential Development with a maximum of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development. An Amendment to the Comprehensive Plan to change the land use as identified will be considered in conjunction with this rezoning application. If approved, the entire subject property would be appropriate for Low Density Residential land uses with a Planned Development Designation. The applicant has indicated that sewer and water will be brought to the property. (Revised 7-13-05)

STAFF REPORT  
July 21, 2005

---

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The applicant requests that this rezoning be continued to the July 21, 2005 Planning Commission meeting to allow the application to be heard in conjunction with the Annexation and the Comprehensive Plan Amendment.

**As of this writing, the required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Planned Development Designation and the Amendment to the Comprehensive Plan. (Revised 7-13-05)**