

STAFF REPORT  
September 21, 2006

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**No. 06RZ032 - Rezoning from General Agriculture District to Low Density Residential District**      **ITEM 27**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Schriener Investments, LLC
REQUEST	<b>No. 06RZ032 - Rezoning from General Agriculture District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	An unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4, SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.03 acres
LOCATION	At the western terminus of Stumer Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District
East:	Low Density Residential District (Planned Residential Development)
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/25/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment and the following stipulation:

1. Prior to approval by the City Council, a Planned Development Designation application shall be submitted and approved for the subject property.

GENERAL COMMENTS:

The applicant is requesting that the subject property be rezoned from General Agricultural District to Low Density Residential District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Area Future Land Use Plan to change the designation of the subject property from a Planned Residential Development with a maximum of one dwelling unit per acre to a Planned Residential

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Development with a maximum of 1.27 dwelling units per acre (06RZ032).

On September 5, 2006, the City Council approved a Layout Plat (06PL126) with the following stipulations for the subject property:

1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary;
5. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall also be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the east lot line of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
9. Upon submittal of a Preliminary Plat, road construction plans for Twin Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
10. Upon submittal of a Preliminary Plat application, road construction plans for the 66 foot wide access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way or an Exception shall be obtained to allow an easement to serve as access to more than four lots. In addition, the street shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water

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- and sewer or a Variance to the Subdivision Regulations shall be obtained or the easement shall be vacated. The adjacent property owner(s) shall sign the application to vacate the access and utility easement;
11. Upon submittal of a Preliminary Plat application, road construction plans for the 40 foot wide access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way or an Exception shall be obtained to allow an easement to serve as access to more than four lots. In addition, the street shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the easement shall be vacated;
  12. Upon submittal of a Preliminary Plat application, the plat document shall maintain an access street to the north lot line. If the 66 foot wide access and utility easement and the 40 foot wide access and utility easement are vacated, then an alternate street connection to the north lot line shall be provided. In particular, the street shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the location of the street shall be coordinated with the adjacent property owner;
  13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
  14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  15. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the U.S. Highway 16 Future Land Use Plan to allow a Planned Residential Development with a maximum of 1.27 dwelling units per acre in lieu of a Planned Residential Development with a maximum of one dwelling unit per acre or the plat document shall be revised accordingly;
  16. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
  17. Prior to submittal of a Final Plat application, that portion of Twin Drive located on the adjacent property shall be recorded as right-of-way or the plat document shall be revised to include this portion of the right-of-way;
  18. Prior to submittal of a Final Plat application, the applicant shall submit street names for the access easements and a different street name for "Twin Drive" to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
  19. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

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The subject property is located west of the northern terminus of Stumer Road and is currently void of structural development. The surrounding properties to the south and east of subject property are currently zoned Low Density Residential. The surrounding properties to the west and north are zoned General Agricultural District.

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 was annexed into the City of Rapid City in 1997. The subject property is currently void of any structural development. The General Agriculture District is intended to provide for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. The property is located in an area of increasing residential development. As the property now is located within the corporate limits of the City of Rapid City, it can be served by City water and sewer service. The provision of water and sewer service constitutes the changing condition necessitating the rezoning of the property.

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

Low Density Residential Zoning Districts are intended to be used for residential development with low population densities. The General Agriculture District is intended to provide for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. This area of the City, north of Catron Boulevard and west of Fifth Street, is an area of increasing residential development. The adjacent properties located to the south and east of the subject property are currently zoned for residential development. Due to the existing zoning of the adjacent properties, rezoning the subject property would appear to be consistent with the intent and purposes of this ordinance.

*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 a Low Density Residential Zoning District on the south and east. As a part of the platting of the subject property, infrastructure will be constructed to serve the proposed residential development. Water pressure appears to be adequate to serve the elevations as shown on the layout plat and detailed water and sewer information is required as part of the Preliminary Plat application. Staff is unaware of any significant adverse effects that would result from this 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.*

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The Comprehensive Plan identifies the subject property as appropriate for a Low Density Residential Zoning District with a maximum of 1.0 dwelling units per acre of land. In conjunction with the rezoning of this property the applicant is requesting an amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Area Future Land Use Plan from a Planned Residential Development with a maximum of one dwelling unit per acre to a Planned Residential Development with a maximum of 1.27 dwelling units per acre. If, the proposed Amendment to the Comprehensive Plan is approved, the requested zoning will be consistent with the Development Plan for the City of Rapid City including the US Highway 16 Neighborhood Area Future Land Use Plan.