

STAFF REPORT
October 26, 2006

No. 06RZ053 - Rezoning from Public District to Low Density Residential District **ITEM 39**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06RZ053 - Rezoning from Public District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 6, Tract A, Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.25 acres
LOCATION	West of Haines Avenue and South of Kathryn Avenue
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential II District
South:	Public District
East:	Low Density Residential II District
West:	Public District
PUBLIC UTILITIES	Under Construction (TIF Financing)
DATE OF APPLICATION	9/29/2006
REVIEWED BY	Rodney Proffitt / Emily Fisher

RECOMMENDATION:

Staff recommends that the Rezoning from Public District to Low Density Residential District be continued to the November 9, 2006 Planning Commission meeting.

GENERAL COMMENTS:

This is a request to rezone the subject property from Park Forest to Low Density Residential. A companion application to change the Future Land Use Plan future land use designation from Public to Low Density Residential with a Planned Residential Designation (06CA043) has also been submitted.

The property located north and east of this property is currently zoned Low Density Residential II. The property located south and west of the subject property is zoned Public. The Long Range Comprehensive Plan shows this property to be appropriate for Park Forest land uses. However, a Comprehensive Plan amendment (06CA043) has been submitted in conjunction with this request.

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STAFF REVIEW:

Staff reviewed this proposed rezoning for conformance with the four (4) criteria established in Section 17.54.040(D)(1) for zoning map amendments. A summary of Staff findings follow:

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 part of a land exchange between the Rapid City School District and a local developer. The change in ownership constitutes the changing condition necessitating a change of zoning from Public District to Low Density Residential District. Streets and infrastructure to serve the subject property are under construction.

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

A Low Density Residential District is intended to be used for single-family residential development with low population densities. Additional permitted uses allow supporting uses to be created for a balanced and attractive residential area. The subject property appears to be able to support the proposed residential zoning densities.

The proposed zoning change appears to be consistent with the intent and purpose of the City's Zoning 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.*

Kathryn Avenue, a planned collector street in the Major Street Plan is under construction and will connect with Haines Avenue, a principal arterial street. The proposed zoning change will not significantly increase traffic in the existing neighborhoods. Adequate infrastructure, including sewer, water and storm drainage are available in the area to support the requested Low Density Residential zoning.

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 Future Land Use Plan currently identifies this area as appropriate for Public uses. A Comprehensive Plan amendment has been submitted (06CA043) proposing to amend the Future Land Use designation to Low Density Residential with a Planned Residential Development.

If the Comprehensive Plan amendment is approved, this application will be consistent with the adopted Comprehensive Plan amendment. The application for the change in the Comprehensive Plan was not properly advertised in the Rapid City Journal, and will have to be continued. The staff recommendation for a continuance of this application is predicated

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on the need to have both applications considered in conjunction with one another.

As of this writing, Staff has verified the sign has been posted on the property; however the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the Planning Commission meeting if the receipts are not returned. As of this writing, staff has not received any comments or inquiries regarding the requested rezoning.