

STAFF REPORT
November 8, 2007

No. 07RZ068 - Rezoning from No Use District to Low Density Residential District II **ITEM 40**

GENERAL INFORMATION:

APPLICANT	OS Development, Inc.
AGENT	Ted Schultz for CETEC Engineering Services, Inc.
PROPERTY OWNER	GDS Investments, Inc.
REQUEST	No. 07RZ068 - Rezoning from No Use District to Low Density Residential II District

EXISTING LEGAL DESCRIPTION	<p>A tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center ¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C ¼ LS 6014.</p>
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PARCEL ACREAGE	Approximately 10.73 acres
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LOCATION	West of the intersection of Reservoir Road and Southside Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	To be Extended
DATE OF APPLICATION	9/28/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential II District be approved.

GENERAL COMMENTS:

(Update October 29, 2007. All revised text is shown in bold). Staff recommends that this item be approved in conjunction with the associated Comprehensive Plan Amendment request (#07CA053). The Comprehensive Plan Amendment request is scheduled for consideration by the Planning Commission on November 8, 2007.

The applicant has submitted a request to rezone 10.73 acres from No Use District to Low Density Residential District II. The property was annexed (#07AN002) into the City on April 16, 2007. A Layout Plat (#07PL047), which includes the property, was approved by Council on April 16, 2007. A Comprehensive Plan Amendment (#07CA046) to change the Future Land Use designation from General Agriculture to Low Density Residential II has been filed in conjunction with this rezoning request. Due to an error in the legal description this rezoning request (#07RZ061) was denied without prejudice by the City Council on October 1, 2007.

The property is located approximately 3,000 feet south of the intersection of South Dakota Highway 44 and Reservoir Road, on the west side of Reservoir Road. Currently the property is zoned No Use District and is void of any structural development. The adopted Comprehensive Plan identifies the property as being appropriate for agricultural uses. An associated Comprehensive Plan Amendment (#07CA046) to change the future land use designation from Agriculture to Low Density Residential II has been submitted in conjunction with this rezoning request.

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

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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 property has been annexed into the City limits and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The Low Residential District II is intended to provide for a slightly higher population density, but with basic restrictions similar to LDR-1 district. The principal use of land is for single-family and 2-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. The property is located within an area that is currently undeveloped and was recently annexed. Reservoir Road, a principal arterial street, currently abuts and provides access to 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 an amendment.*

The associated approved Layout Plat indicates that the proposed development identified as "Morningstar Subdivision" will consist of several land uses/ zoning classifications including Neighborhood Commercial District, Low Density Residential District, Low Density Residential District II, Medium Density Residential District, and General Agriculture District. The Layout Plat identifies that 388 acres will be subdivided into 734 lots with 910 dwelling units.

Pennington County Highway Department staff has indicated that the proposed development will exceed the traffic capacity for Reservoir Road. As such staff is recommending that at submittal of a Preliminary Plat application, the applicant submit a traffic analysis for review and approval.

As stated the applicant has indicated that this rezoning request is part of a development that includes 388 acres subdivided into 734 lots with 910 dwelling units. The City Council has noted in the past that adequate water and sewer must be provided to justify the rezoning of property. Of particular concern is the water supply to this development. The consultant has completed a water system analysis to which determined that adequate water can be provided from the line in South Dakota Highway 44 to the proposed development without negatively impacting the supply of water at the Rapid City Regional Airport.

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 proposed rezoning to Low Density Residential District II currently conflicts with the Adopted Comprehensive Plan, which identifies this area as appropriate for General Agriculture Land Uses. A Comprehensive Plan Amendment (#07CA046) to change the future land use designation from Agriculture to Low Density Residential District II has been filed in conjunction with this rezoning request. However, the request was advertised with the wrong title. For this reason, staff is recommending that the request be continued to the November 8, 2007 Planning Commission Meeting.

LEGAL NOTIFICATION:

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the October 25, 2007 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

STAFF REPORT
October 25, 2007

No. «Filenumber» - «Action»

ITEM
