

STAFF REPORT
January 24, 2008

No. 07RZ077 - Rezoning from No Use District to Low Density Residential District **ITEM 27**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Ronald Shape
REQUEST	No. 07RZ077 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	The SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40.0 acres
LOCATION	West of Reservoir Road and northwest of North Pitch Court
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/28/2007
REVIEWED BY	Karen Bulman / Mary Bosworth

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

GENERAL COMMENTS: This undeveloped property contains approximately 40 acres and is located west of Reservoir Road and northwest of North Pitch Court. The property was annexed effective October 11, 2007 (File #07AN003) and is currently zoned No Use District. A Layout Plat (File #07PL096) to subdivide the property into 132 residential lots and two drainage lots was approved September 4, 2007 by the City Council. A Preliminary Plat (File #07PL152) to subdivide 12.42 acres into 33 residential lots as Phase One of Homestead Subdivision was approved by the Planning Commission on January 10, 2008.

The property located north of the property is zoned General Agriculture District. Land

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located west of the subject property is zoned Low Density Residential District with a Planned Residential Development and Medium Density Residential District with a Planned Residential Development. Land located south and east of the property is zoned Suburban Residential District by Pennington County. The Elk Vale Neighborhood Future Land Use Plan indicates that the northwestern portion of the property is appropriate for Public and Drainage Areas with an alternate land use of Low Density Residential land use. The balance of the property is shown as appropriate for Low Density Residential land use.

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 property has been annexed into the City limits (#07AN003) and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. The proposal to rezone the property to Low Density Residential Zoning District is reflective of the adjacent residential development.

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 property is located adjacent to Low Density Residential Zoning District, Medium Density Residential Zoning District and Suburban Residential Zoning District by Pennington County. A significant drainage area is located on the northwest portion of the property. The Elk Vale Neighborhood Future Land Use Plan identifies the property as appropriate for Low Density Residential land use. The proposed zoning is consistent with the surrounding zoning designations and the intent of this ordinance. Rezoning the property from No Use District to Low Density Residential District appears to be appropriate.

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 property is located adjacent to an existing Low Density Residential Zoning District. The proposed rezoning would provide an extension of the existing zoning. A Layout Plat (#07PL096) has been approved to subdivide the property into residential lots. A Preliminary Plat application (#07PL152) was approved by the Planning Commission for the first phase of the proposed development. The future extension of Homestead Street and the future extension of Ziebach Street and Haakon Street will provide access to the property. Currently, there is a void in the construction of the streets on the adjacent properties as construction easements could not be obtained at the time the roads were built. The applicant has provided construction plans for these off-site road improvements as part of the Preliminary Plat approval process.

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Water and sewer are proposed to be extended into the property as development occurs. The Rapid Valley Sanitary District staff has indicated that they currently have water and sewer capacity to serve portions of the property without additional improvements. However, improvements to the water system will be needed in order to serve the entire property. In particular, the water reservoir to be located north of the property will be required in order to provide water to serve a future booster system for this area. In addition, the City will install a 16 inch water transmission line along Homestead Street to improve water service to Rapid City Regional Airport and properties located east of this site. This transmission line will not provide water service to this property.

The property is located in the County Heights Drainage Basin. The applicant has provided drainage information showing the existing drainage and additional drainage through the property will tie into the drainage channel on the adjoining properties located south of this property.

Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Low Density Residential District.

- 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 Elk Vale Neighborhood Future Land Use Plan identifies that the northwestern portion of this property is appropriate for Public and Drainage Areas with an alternate land use of Low Density Residential land use. The balance of the property is shown as appropriate for Low Density Residential land use. Rezoning the subject property from No Use District to Low Density Residential District is consistent with the adopted Comprehensive Plan.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries but no objections regarding the proposed request at the time of this writing.

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