

STAFF REPORT
July 10, 2008

No. 08RZ025 - Rezoning from No Use District to Low Density Residential II District **ITEM 30**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Christopher D. Hamm/Hamm Trust
REQUEST	No. 08RZ025 - Rezoning from No Use District to Low Density Residential II District
EXISTING LEGAL DESCRIPTION	A portion of NE¼ of the SE¼ of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. More fully described as follows: Commencing at the Section ¼ Corner common to Sections 28 and 29, T1N, R7E, BHM, thence S81°22'09"W, a distance of 252.93 feet, to a point on the southerly edge of Portrush Road right-of-way, and the point of beginning; Thence, first course: S00°00'35"W, a distance of 110.00 feet; Thence, second course: N89°59'25"W, a distance of 380.64 feet; Thence, third course: N00°00'35"E, a distance of 110.00 feet, to a point on the southerly edge of Portrush Road right-of-way; Thence, fourth course: S89°59'25"E, along the southerly edge of Portrush Road right-of-way, a distance of 380.64 feet, to the point of beginning
PARCEL ACREAGE	Approximately 0.961 acres
LOCATION	South of Portrush Road and west of Dunsmore Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Planned Unit Development (Pennington County)
East:	Low Density Residential District (Planned Residential Development)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/30/2008
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential II District be approved in conjunction with a Planned Development

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Designation.

GENERAL COMMENTS: This undeveloped property contains approximately 0.961 acres and is located south of Portrush Road and west of Dunsmore Road. An annexation application (#08AN009) and a Preliminary Plat (File #08PL089) to subdivide the property into six townhome lots have been submitted with this application. Upon annexation, the property will be zoned No Use District.

Land located north of the property is zoned Low Density Residential District. Land located east of the property is zoned Low Density Residential District with a Planned Residential Development. Land located west and south of the property is zoned Planned Unit Development by Pennington County. The Adopted Comprehensive Plan indicates that the property is appropriate for 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 submitted for annexation into the City limits (File #08AN009) and approved by the Planning Commission on June 26, 2008. The property will be temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. Residential development is located adjacent north and east of the property. The proposal to rezone the property to Low Density Residential II 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 II Zoning District is intended to be used for a slightly higher population density, but with basic restrictions similar to Low Density Residential Zoning District. The principle use of land is for single family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. The property is located adjacent to Low Density Residential Zoning Districts. This rezoning request will allow for the proposed continuation of the residential area to be developed. Previously, townhomes have been approved within the Red Rock Meadows and are located on the north side of Portrush Road. Access to the property will be taken from Portrush Road. The Comprehensive Land Use Plan identifies the property as appropriate for Residential land use. A Planned Development Designation (#08PD025) has been submitted in conjunction with this request. The proposed rezoning from No Use District to Low Density Residential II District is consistent with the surrounding zoning designations and the intent 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.*

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The property is located adjacent to existing Low Density Residential Zoning Districts. The proposed rezoning would provide an extension of existing zoning in the area. A Preliminary Plat (File #08PL089) has been submitted to subdivide the property into six townhome lots. Portrush Road is a collector road on the Major Street Plan and provides access to the property. Water and sewer are located in Portrush Road and are proposed to be extended into the property as development occurs. Staff has indicated that there is water and sewer capacity available to serve the property without additional improvements and there is adequate water flows for fire and domestic usage. Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Low Density Residential II 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 Adopted Comprehensive Plan identifies that this property is appropriate for Residential land uses. A Planned Development Designation (#08PD025) has been submitted in conjunction with this rezoning request. The proposed rezoning is consistent with the adopted Comprehensive Plan. Rezoning the property to Low Density Residential II District, with the additional safeguards associated with a Planned Development, is consistent with the Land Use Plan and not in conflict with the Development Plan for Rapid City.

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 July 10, 2008 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 recommends that the Rezoning from No Use District to Low Density Residential II District be approved in conjunction with the Planned Development Designation.