

STAFF REPORT
November 6, 2008

No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District **ITEM 10**

GENERAL INFORMATION:

| | |
|----------------------------|--|
| APPLICANT | Roy Burr |
| AGENT | Doug Sperlich for Sperlich Consulting, Inc. |
| PROPERTY OWNER | Arlene Ham |
| REQUEST | No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District |
| EXISTING LEGAL DESCRIPTION | <p>A portion of the W$\frac{1}{2}$ of the NW$\frac{1}{4}$ of the SE$\frac{1}{4}$ of Section 22, located in the W$\frac{1}{2}$ of the NW$\frac{1}{4}$ of the SE$\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E$\frac{1}{2}$ of the NW$\frac{1}{4}$ of the SE$\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning</p> |
| PROPOSED LEGAL DESCRIPTION | <p>Lot 8 of Block 2 of Villaggio at Golden Eagle, located in a portion of the W$\frac{1}{2}$ of the NW$\frac{1}{4}$ of the SE$\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South</p> |

STAFF REPORT
November 6, 2008

No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District **ITEM 10**

| | |
|---------------------|--|
| | Dakota |
| PARCEL ACREAGE | Approximately 3.715 acres |
| LOCATION | North of Catron Boulevard and west of Golden Eagle Drive |
| EXISTING ZONING | General Agriculture District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | General Agriculture District |
| East: | Low Density Residential District (Planned Residential Development) |
| West: | Low Density Residential District - General Agriculture District |
| PUBLIC UTILITIES | City Water and Sewer |
| DATE OF APPLICATION | 9/12/2008 |
| REVIEWED BY | Jared Ball / Ted Johnson/ Vicki L. Fisher |

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District **be continued to the November 20, 2008 Planning Commission meeting.**

GENERAL COMMENTS:

(Update: October 27, 2008. All revised and/or added text is shown in bold.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to revise the legal description and to be heard in conjunction with the associated Preliminary Plat.

On October 10, 2008, staff met with the applicant to discuss revising the associated Preliminary Plat (#08PL113). As a result of that meeting, the Preliminary Plat boundaries have been revised. The applicant has subsequently submitted a revised metes and bounds description for this rezoning application and the associated Initial and Final Planned Development application which reflects the revised boundary of the preliminary plat. The applicant is required to send out new letters reflecting the revised legal description. **The applicant has met the legal notification requirements which include the revised legal description.**

The property is located at 5617 Villaggio Lane; the site is north of Catron Boulevard and west of Golden Eagle Drive. The property is currently zoned General Agriculture District. The property to the north is currently zoned Low Density Residential District. The property

STAFF REPORT
November 6, 2008

No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District **ITEM 10**

to the south is currently zoned General Agricultural District. The property to the east is currently zoned Low Density Residential District with a Planned Residential Development. The properties to the west are currently zoned Low Density Residential District and General Agricultural District. The applicant is proposing to rezone the property from General Agricultural District to Low Density Residential District.

An associated Planned Residential Development (#08PD051) and Preliminary Plat (#08PL 113) have been submitted in conjunction with this request.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments established in Section 17.54.040 (D) (1). A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

The property is currently zoned General Agricultural District. The General Agriculture District is a holding zone retained until urbanization is appropriate. The platting of the property into lots and the continued growth and development in the area constitutes the changing condition that necessitates the proposed rezoning.

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

The Low Density Residential Zoning District, as stated in the Zoning Ordinance, is to be used for single family residential development with low population densities. The proposed use is for a single family residence and two storage sheds located on the property. This is consistent with the intent and purpose of the Low Density Residential Zoning District. Rezoning the property from General Agricultural 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 amendment.*

The development of Villaggio Lane, Golden Eagle Drive and the surrounding development has resulted in the extension of City water and sewer to this area. Rezoning the property to Low Density Residential District with a Planned Residential Development will limit the number of residential dwellings that could potentially be constructed on the site. By rezoning the property to Low Density Residential and designating the property as a Planned Residential Development, the possible negative impacts of future development to this part of the city will be greatly reduced. As such, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties. Staff is not aware of any significant adverse effects that would result from rezoning the property from General Agricultural District to Low Density Residential District.

4. *The proposed amendments shall be consistent with and not in conflict with the development*

STAFF REPORT
November 6, 2008

No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District **ITEM 10**

plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.

The Major Street Plan identifies Catron Boulevard as a Principal Arterial and Golden Eagle Drive as a proposed Collector street. The proposed development appears to be in compliance with the Major Street Plan. In addition, the rezoning of the property from General Agricultural District to Low Density Residential District will be in compliance with the U.S. Highway 16 Future Land Use Plan. The City's adopted Land Use Plan identifies the appropriate use for the property as a Planned Residential Development with a maximum density of one dwelling unit per acre. As such, the proposed rezoning appears to be consistent with and not in conflict with the development plan of Rapid City.

Notification:

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 one call of inquiry regarding this proposal.**

Staff recommends that the Rezoning from General Agricultural District to Low Density Residential District be continued to the November 20, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat with the applicant's concurrence.