

STAFF REPORT
September 22, 2011

No. 11RZ018 - Rezoning from Medium Density Residential District to Park Forest District **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Ken Berglund for the Estate of Patricia Berglund
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ken Berglund
REQUEST	No. 11RZ018 - Rezoning from Medium Density Residential District to Park Forest District
EXISTING LEGAL DESCRIPTION	The north 825 feet of the NE1/4 SE1/4 less Squirrely Acres Subdivision located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.21 acres
LOCATION	Along Berglund Road, south of the intersection of Berglund Road and Fox Road
EXISTING ZONING	Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Park Forest District
South:	Office Commercial District (Planned Commercial Development)
East:	Business Park District
West:	Park Forest District (Planned Residential Development)
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	8/26/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning from Medium Density Residential District to Park Forest District be approved.

GENERAL COMMENTS: On August 26, 2011, the applicant submitted a request to rezone approximately 7.21 acres of land from Medium Density Residential District with a Planned Development Designation to Park Forest District with a Planned Residential Development. Specifically, the applicant is requesting to rezone the property to allow for the development

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of single family homes.

The applicant has also submitted a Layout Plat to subdivide the 7.21 acre parcel into two lots sized 3.01 acres and 4.2 acres, respectively (File #11PL046).

In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #11SV014) to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as they abut the property.

The property is located approximately 300 feet south of the intersection of Fox Road and Berglund Road. Currently, the property is void of any structural development.

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 district affected, or the City in general.*

The property is currently zoned Medium Density Residential District with a Planned Development Designation. Property to the west is zoned Park Forest District with a Planned Residential Development. The current zoning of Medium Density Residential with a Planned Development Designation was approved by the Planning Commission in July 2001, to originally allow for the development of higher density housing. An associated Comprehensive Plan Amendment was approved in April of 2001 to increase the permitted dwellings units per acre from 1 per acre to 3.8 per acre. The anticipated development of the property has not occurred. Development to the east, adjacent to U.S. Highway 16, has generally been commercial and light industrial. Currently, there are not any substantially changed or changing conditions which necessitate this rezoning.

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

The Rapid City Municipal Code states that the Park Forest District is intended to provide areas to be preserved for its natural beauty and open character. The proposed rezoning is a decrease in the proposed intensity of use for the property. Single family dwellings are a permitted use in a Park Forest District. The applicant should be aware that prior to issuance of a building permit, an Initial and Final Planned Residential Development must be submitted to the Growth Management Department for review and approved by the Planning Commission. The Initial and Final Planned Residential Development will serve as a tool to ensure the intended qualities of the Park Forest District are maintained with the development of this property. The proposed zoning is consistent with the intent and purpose of the Zoning Ordinance.

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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.*

Development in the U.S. Highway 16 Neighborhood continues to expand with a variety of uses. Adjacent land to the west is already zoned Park Forest District. Staff has noted that the original request to zone this property Medium Density Residential District received substantial opposition from neighborhood residents who felt the density allowed by a Medium Density Residential District was inappropriate for the neighborhood. No other Medium Density Residential Districts are in close proximity to the property. The proposed Rezoning will not adversely affect any other part of the city.

4. *The proposed amendment shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

A rezone from Medium Density Residential District to Park Forest District is an overall decrease in the intensity of use allowed on the property. The previous rezoning (File # 01RZ025) from General Agriculture District to Medium Density Residential District allowed a maximum density of 3.8 dwelling units per acre on this property as per the City's Future Land Use Plan. Land use regulations for a Park Forest District allow a maximum of 1 dwelling unit per 3 acres of land (Rapid City Municipal Code, 17.08.040.F). A maximum of 2 dwelling units would be allowed for this property. A Comprehensive Plan Amendment is not required to decrease the intensity of land use.

Berglund Avenue is classified as a lane/place street. The applicant should be aware that as a part of the platting process, all infrastructure to serve future development of the area must be provided. Additionally, the eastern edge of the property is located on a section line. The applicant should be aware that a minimum 58 foot setback must be maintained from that section line. All street installations must also meet the Rapid City Street Design Criteria Manual standards.

Notification Requirements: The proposed sign has been posted on the property. As of this writing, the required receipts of the certified mailings have not been returned to the Growth Management Department. Staff will inform the Planning Commission at the October 6, 2011 Planning Commission meeting if the notification requirements have not been met. At this time, there have been no inquiries about this request.