

STAFF REPORT
August 22, 2013

No. 13RZ020 - Rezoning from No Use District to Low Density Residential District **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Shane Geidel
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Richard G. and Cindy Wulf
REQUEST	No. 13RZ020 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 of the NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the ¼ Section Corner common to Sections 20 and 21, T2N, R8E, BHM, thence N 03°08'35"W, a distance of 910.84' to the point of beginning; Thence, first course: S 89°52'15" W a distance 1047.10'; Thence, second course: N 00°00'26" E a distance 416.00; Thence third course: N 89°52'15" E a distance 1047.10'; Thence, fourth course: S 00°00'26" W a distance of 416.00, to the point of beginning
PARCEL ACREAGE	Approximately 10 acres
LOCATION	3775 Dyess Avenue
EXISTING ZONING	General Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Residential, Public
SURROUNDING ZONING	
North:	General Agricultural District (Pennington County) - Suburban Residential District (Pennington County)
South:	General Agricultural District (Pennington County)
East:	Light Industrial District
West:	General Agricultural District (Pennington County) - Limited Agricultural District (Pennington County)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 26, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

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RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved contingent upon the annexation of the property by the City of Rapid City and in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: The applicant has submitted a request to rezone approximately 10 acres of property from No Use District to Low Density Residential District. The subject property is comprised of approximately 10 acres of land that is a portion of an existing 80 acre parcel located in Pennington County and adjacent to the Rapid City Limits to the east. The applicant has also submitted an associated request to annex the same 10 acre portion of the property (File #13AN003) into the boundaries of Rapid City. The Rapid City Future Land Use Plan shows that the eastern 8.38 acres of the subject property are designated for Residential use while the western most portion of the property are designated for Public use. As such, the applicant has also submitted a Comprehensive Plan Amendment (File #13CA012) to change the Future Land Use designation on approximately 1.62 acres located on the western most portion of the subject property from Public to Residential.

On July 15, 2013, the City Council approved a Preliminary Subdivision Plan (File #13PL052) to create one lot on the property, leaving an unplatted non-transferrable balance. As a part of the Preliminary Subdivision Plan, the applicant submitted and the City approved Exception request(s) to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit and sewer with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. On July 26, 2013, the applicant submitted Development Engineering Plans (File #13PL078) for Lot 1 of the Blue Marlin Estates Subdivision, including a signed waiver of right to protest future assessments for improvements along Dyess Avenue as it abuts the property. The application is currently under review.

The property is located west of Dyess Avenue, approximately 3,500 feet north of the intersection of Dyess Avenue and Seger Drive. The property is currently developed with a single family residence with a detached garage and a shed.

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.

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 located west of Dyess Avenue, approximately 3,500 feet north of the intersection of Dyess Avenue and Seger Drive. The property is located in Pennington County, adjacent to the Rapid City limits to the east. Portions of the property are zoned General Agriculture District in Pennington County. The applicant has submitted an associated request to annex the property into the City. Property annexed into the City limits are automatically zoned No Use District upon annexation, and a Rezoning request must be submitted for the property within 120 days of annexation. This request to rezone the property from No Use District to Low Density Residential District is pending the approval of

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the associated Annexation request. The pending request for annexation of the property constitutes substantially changing conditions in the area.

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

The No Use District is intended as a temporary designation for the purpose of investigation and study of land uses for the property. The No Use District status shall be applied to newly annexed land area. The Low Density Residential District is intended to be used for single-family residential development with low population densities. The property is developed with an existing single-family residence with a detached garage and a shed. The proposed zoning is consistent with the intent and purpose of the ordinance.

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 property is zoned General Agriculture District in Pennington County. Property to the west and south is also zoned General Agriculture District in the County. Property to the north is zoned Suburban Residential District and General Agriculture District in Pennington County. The General Agriculture District in Pennington County is intended to provide a district that will support and encourage agriculture. The Suburban Residential District in Pennington County is intended to provide for medium density residential areas. Property to the east is within the Rapid City Limits and is zoned Light Industrial District. Upon annexation into the City limits, the property is automatically zoned No Use District. The Rezoning request will create an increase in the intensity of use on the property from an agricultural zoning designation to a residential zoning designation however, the Future Land Use Plan designates the property as appropriate for residential and public uses. The associated Comprehensive Plan Amendment will change the Future Land Use designation for a portion of the property from Public to Residential, ensuring that the entire property is designated for residential uses. Property in the area is developed with medium density residential uses and light industrial uses already. It does not appear that the proposed amendment will not adversely affect any other part of the City.

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.

The applicant has submitted a request to annex the property as well as a Comprehensive Plan Amendment to change the Future Land Use designation on the western most portion of the property from Public use to Residential use. The proposed Amendment will ensure that the entire property proposed for annexation is appropriate for residential uses. A single-family residence exists on the property today. Dyess Avenue is classified as a Minor Arterial on the City's Major Street Plan, capable of handling residential and commercial traffic. As a part of the Preliminary Subdivision Plan for the property, an Exception waiving the required subdivision improvements was approved contingent upon the applicant submitting a waiver of right to protest future assessments for improvements along Dyess Avenue as it abuts the property. The property is currently serviced via a private well and an on-site waste water system with a septic tank and drainfield. City sanitary sewer services are not available in

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this area. A City water main is located in Dyess Avenue. It should be noted that the applicant has submitted construction plans connecting the property to the City water main as a part of the Development Engineering Plan currently under review for the property. The applicant should be aware that prior to annexation of the property, a Septic Tank Permit for the existing septic system must be obtained and a copy of the Permit must be submitted with the Final Plat application. However, the Septic Tank Permit is not required as a part of this Rezoning request.

Staff recommends the request to Rezone property from No Use District to Low Density Residential District be approved contingent upon the property being annexed into the City Limits and in conjunction with the associated Comprehensive Plan Amendment.

Notification Requirements: The notification letters have been returned to Community Planning and Development Services for mailing. The sign has been posted on the property. As of this writing, there have been no inquiries into to the requested Rezoning.