

STAFF REPORT

June 7, 2001

No. 01RZ024 - Rezoning from General Agriculture District to Park Forest District

ITEM 22

GENERAL INFORMATION:

PETITIONER

Fisk Land Surveying for Ken Berglund

REQUEST

No. 01RZ024 - Rezoning from General Agriculture District to Park Forest District

LEGAL DESCRIPTION

A tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, westerly along the 1/4 Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the 1/4 Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the 1/4 Section Line; Thence, easterly along said 1/4 Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said 1/4 Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less

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PARCEL ACREAGE	Approximately 17.79 Acres
LOCATION	5501 Berglund Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District
East:	Business Park District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site wastewater and community water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Park Forest District be approved in conjunction with the Planned Development Designation.

GENERAL COMMENTS: The applicant is proposing to rezone approximately 17.79 acres from General Agriculture District to Park Forest District. The applicant has also submitted an application requesting approval of an Initial Planned Development Designation on the subject property. In addition, the applicant has submitted a Preliminary and Final Plat to subdivide the property into three lots to be known as Lots 1 thru 3 of Squirrely Acres, leaving a 7.2 acre unplatted balance. The applicant has submitted a Layout Plat to create a 7.2 acre lot from the unplatted balance and to rezone the 7.2 acres from General Agriculture District to Medium Residential District with an Initial Planned Residential Development. The applicant has submitted a Subdivision Regulations Variance request to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit for all four lots. (See companion items 01PL044, 01PL047, 01SV009, 01RZ025, 01PD026 and 01PD027.)

The property is located at the southern terminus of Berglund Road, directly west of the Sodak building on U. S. Highway 16. Currently, three residences are located on the property.

STAFF REVIEW: Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of zoning map amendments. 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.*

In 1997, the property located directly north of the subject property was rezoned from General Agriculture District to Park Forest District and, subsequently, platted into two lots.

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As previously indicated, the applicant is proposing to plat the subject property into three lots. The rezoning request from General Agriculture District to Low Density Residential District is reflective of the current use of the property for three residential dwelling units.

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

The purpose of the Park Forest District as stated in the Zoning Ordinance is to provide the City with an area to be preserved for its natural beauty and open character. As identified on the accompanying plat request, the three lots will be 4.61 acres, 7.57 acres and 5.59 acres in size, respectively. Rezoning the subject property as proposed will allow the applicant to plat the property as identified while at the same time preserving the property's natural beauty and open character.

- 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.*

Staff does not believe that rezoning the property as proposed will result in any significant adverse impact provided the associated Initial Planned Residential Development request is approved. The additional review provided by a Planned Residential Development process will insure that any possible impacts are adequately mitigated as a part of the development of the site.

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

On April 26, 2001, the City Council approved a Comprehensive Plan Amendment to change the future land use designation from Planned Residential Development with 1 dwelling unit per acre and Low Density Residential Density Residential with a Planned Residential Development to a Planned Residential Development with 3.8 dwelling units per acre on the subject property and the adjacent 7.2 acres. The proposed rezoning will not result in development exceeding the 3.8 dwelling units per acre. In addition, the proposed rezoning does not conflict with the Major Street Plan.

As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the June 7, 2001 Planning Commission meeting if these requirements have not been met. Staff has not received any call or inquiries regarding this proposal.