

STAFF REPORT

July 5, 2001

No. 01RZ025 - Rezoning from General Agriculture District to Medium Density Residential District **ITEM 73**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Ken Berglund
REQUEST	No. 01RZ025 - Rezoning from General Agriculture District to Medium Density Residential 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 ¼ Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet; Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less
PARCEL ACREAGE	Approximately 7.2 Acres
LOCATION	5501 Berglund Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District
East:	Business Park District

STAFF REPORT

July 5, 2001

No. 01RZ025 - Rezoning from General Agriculture District to Medium Density Residential District **ITEM 73**

West:	General Agriculture District
PUBLIC UTILITIES	To be extended
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Medium Density Residential District shall be approved in conjunction with a Planned Development Designation.

GENERAL COMMENTS: The applicant is proposing to rezone the above legally described property from General Agriculture District to Medium Residential District. In addition, the applicant is requesting approval of an Initial Residential Development Plan to allow a residential development on the subject property. The applicant has also submitted a Layout Plat to create a 7.2 acre lot. In addition, the applicant has submitted a Preliminary and Final Plat to subdivide the balance of the property into three lots to be known as Lots 1 thru 3 of Squirrely Acres and to rezone the three lots from General Agriculture District to Park Forest District with an Initial Planned Residential Development. The applicant has also 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, 01PD026, 01PD027 and 01PD027.)

The property is located at the southern terminus of Berglund Road, directly west of the SoDak building on South U. S. Highway 16. Currently, the property is void of any structural development.

STAFF REVIEW: **This item was continued at the June 7, 2001 Planning Commission meeting to be heard in conjunction with an Initial Development Plan. This Staff Report has been revised as of 6/23/01. All revised or added text is shown in bold print.** In order to review the Initial Development Plan, the applicant must submit a site plan identifying the general land use and structural development on the property. To date, the required information has not been submitted. As such, staff is recommending that the associated Planned Residential Development – Initial Development Plan be continued to the June 21, 2001 Planning Commission meeting. Staff is also recommending that the rezoning request be continued to the June 21, 2001 Planning Commission meeting to be heard in conjunction with the Planned Residential Development.

At the June 7, 2001 Planning Commission meeting, the applicant requested that the Initial Development Plan be denied without prejudice. The applicant has indicated that specific development plans for the property have not been determined at this time. On June 8, 2001, the applicant submitted a Planned Development Designation request for the subject property. The Planned Development Designation does not require that development plans be submitted until the Initial and Final Development Plans are submitted.

STAFF REPORT

July 5, 2001

No. 01RZ025 - Rezoning from General Agriculture District to Medium Density Residential District **ITEM 73**

- 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. The applicant is currently proposing to rezone an adjacent 17.72 acres from General Agriculture to Park Forest and to plat the property into three residential lots. As previously indicated, the applicant is proposing to plat the subject property into one lot. The rezoning request from General Agriculture District to Medium Density Residential District will result in the extension of existing residential development within the area and reflects the changing conditions of the area.

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

The purpose of the Medium Density Residential District as stated in the Zoning Ordinance is to provide areas within the City with medium or high population density. The principal uses of land may range from single-family to multiple-family apartment uses. The location of the property, in close proximity to U. S. Highway 16, provides the proposed residential development with viable access to major employment centers within the community. Rezoning the subject property as identified is consistent with the intent and purposes 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 amendment.*

Staff does not believe that rezoning the property as proposed will result in any adverse impact provided the associated Planned Development Designation 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 17.79 acres. The proposed rezoning in conjunction with the Planned Development Designation may 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

STAFF REPORT

July 5, 2001

No. 01RZ025 - Rezoning from General Agriculture District to Medium Density Residential District **ITEM 73**

has the sign been posted on the property. Staff will notify the Planning Commission at the July 5, 2001 Planning Commission meeting if these requirements have not been met. Staff has not received any call or inquiries regarding this proposal.