

STAFF REPORT

June 26, 2003

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**No. 03RZ022 - Rezoning from No Use District to Low Density Residential District**      **ITEM 24**

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GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Verlyn and Cindy Bourne
REQUEST	<b>No. 03RZ022 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.7 acres
LOCATION	5511 Hidden Valley Lane
EXISTING ZONING	County
SURROUNDING ZONING	
North:	County
South:	General Agriculture District
East:	County
West:	County
PUBLIC UTILITIES	Private on-site wastewater and water
DATE OF APPLICATION	05/12/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential District be **approved in conjunction with the associated Comprehensive Plan Amendment.**

GENERAL COMMENTS:

**This item was continued at the June 5, 2003 Planning Commission meeting at the applicant's request to allow the City Council to act on an associated Variance to the Subdivision Regulations and Special Exception requests at their June 16, 2003 City Council meeting. This Staff Report has been revised as of June 18, 2003. All added and/or revised text is shown in bold print.** The applicant has submitted a Rezoning request to change the zoning designation on the above legally described property from No Use District to Low Density Residential District as a companion item to a Preliminary and Final Plat to subdivide the subject property into two lots to be known as Lot A and Lot B. The applicant has also submitted a Variance to the Subdivision Regulations to waive all street improvements on Hidden Valley Lane and Hidden Valley Road. In addition, the

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applicant has submitted several Special Exception requests to preclude constructing the two streets in compliance with the City's Street Design Criteria Manual. The applicant has also submitted a Petition for Annexation and, subsequently, a rezoning request to change the zoning designation on the property from No Use District to Low Density Residential District. (See companion items #03PL054, 03SV020, 03CA014 and 03AN003.)

On May 19, 2003 the City Council approved Layout Plat #03PL043 to subdivide the subject property as identified on this Preliminary and Final Plat.

The property is located west of Sturgis Road between Hidden Valley Lane and Hidden Valley Road. Currently, a single family residence is located on proposed Lot A. Proposed Lot B is currently void of any structural development.

#### STAFF REVIEW:

The applicant has indicated that if the Variances to the Subdivision Regulations and the Special Exception requests to the Street Design Criteria Manual are not approved, the Rezoning request will be withdrawn. As such, the applicant has requested that the Rezoning request be continued to the June 26, 2003 Planning Commission meeting to allow the City Council to act upon the Variance to the Subdivision Regulations and Special Exception requests at their June 16, 2003 City Council meeting. **On June 16, 2003, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and water on Hidden Valley Lane and Hidden Valley Road with the stipulation that the applicant sign a Waiver of Right to Protest future assessment projects for the improvements. In addition, Special Exceptions were granted to allow Hidden Valley Road, a cul-de-sac street, to be in excess of 500 feet in length and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet; to allow Hidden Valley Road, a principal arterial street, to have a 14% gradient in lieu of the maximum allowed 10% gradient; and, to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual.**

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the 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.***

The subject property as well as the adjacent properties is located in the County, outside the City limits of Rapid City. Several of the properties located between Hidden Valley Road and Hidden Valley Lane have been rezoned to Suburban Residential District by the County to allow the residential development that is currently located between these two roadways. Upon annexation, the subject property will be zoned No Use District. The applicant is proposing to rezone the

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property to Low Density Residential District to allow the existing residential use to remain on the northern portion of the property and to allow a second residence to be constructed on the southern portion of the property, assuming the associated Preliminary and Final Plat are approved by the City Council. The overall development of the surrounding properties has created a corridor of residential development resulting in a substantial change in the area.

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

The purpose of the Low Density Residential Development District as stated in the Zoning Ordinance is to "...provide areas for single family residential development with low population densities. The property is located adjacent to Hidden Valley Road, a principal arterial street as identified on the City's Major Street Plan. Allowing low population densities in lieu of high population densities adjacent to a principle arterial street is consistent with the intent and purposes of the Zoning 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 this property will result in any adverse impacts since the Low Density Residential District requires a low population density. In addition, the property, as well as surrounding properties, have existing single family residential use(s) with no apparent adverse affect(s).

**4. *The proposed amendments 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.***

As previously indicated the applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on the subject property from industrial to Low Density Residential. Staff is recommending that the associated Comprehensive Plan Amendment be approved in conjunction with this Rezoning request in order to maintain conformity with the City's adopted plan.

The receipts from the certified mailing have been returned and the sign has been posted on the property. As of this writing, Staff has not received any calls regarding this proposal.