

STAFF REPORT

March 25, 2004

No. 04RZ004 - Rezoning from No Use District to Low Density Residential District **ITEM 42**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ004 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	SE1/4 NE1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40.12 acres
LOCATION	West of Bunker Drive
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	Mobile Home Residential District (City)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/27/2004
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.

GENERAL COMMENTS: The subject property is located west of Haines Avenue and west of CHMH Subdivision. The property is currently void of any structural development. The approval of the related Petition of Annexation (04AN001) will result in the designation of the site as a No Use Zoning District. The property owner plans to develop a residential subdivision on this property and has submitted a request to rezone the property from No Use District to Low Density Residential District.

In addition to proposing to rezone the property from No Use District to Low Density Residential District, the applicant has submitted a Petition to Annex the subject property, a Planned Development Designation, and a Rezoning request to change the zoning designation on the west half of the subject property from No Use District to Park Forest District. The applicant has also submitted a Comprehensive Plan Amendment to the Long

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Range Comprehensive Plan to change the land use designation on the east half of the subject property from Park Forest to Low Density Residential with a Planned Residential Development. In addition, the applicant has submitted a Layout Plat to subdivide an 80 acre parcel into 105 residential lots to be known as Rainbow Ridge Subdivision. Lastly, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer; to waive the requirement to provide sidewalks on both sides of the street; and, to allow lots twice as long as they are wide. (See companion items #04SV009, 04PL014, 04RZ005, 04AN001, 04CA004 and 04PD009.)

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 districts affected or in the City in general.*

The subject property is currently proposed to be annexed into the City limits. Upon annexation, the property will be zoned No Use District. The property is currently undeveloped, but the property owner plans to extend City sewer and water. The extension of the infrastructure will allow the applicant to develop a residential subdivision on the site. As such, the property owner is requesting to change the No Use Zoning District to Low Density Residential Zoning District.

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

Low Density Residential Zoning District is intended to be used for single family residential development with low population densities. The subject property is located west of Haines Avenue and west of the CHMH residential subdivision. The applicant has indicated that he plans to develop a residential subdivision on the subject property along with the adjacent property to the west. Based on the location of the property adjacent to residential land uses, rezoning the property Low Density Residential District with the related Planned Development Designation appears to be appropriate.

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 an amendment.*

The subject property is adjacent to Mobile Home Residential District to the east and General Agriculture District by Pennington County to the north and south. The proposed amendment is appropriate as the subject property is located adjacent to the residential zoning districts. The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure. Due to steep grades in the area, drainage, street connection and building setbacks will need to be addressed through the Initial and Final Development Plan. The Planned Development Designation recommended as a stipulation of approval will provide additional protections for surrounding land uses.

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4. *The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

The Comprehensive Plan identifies the subject property as appropriate for Park Forest land use(s). The Future Land Use Committee met March 12, 2004 and recommended approval of an Amendment to the Comprehensive Plan to change the land use on the subject property from Park Forest to Low Density Residential with a Planned Residential Development. That application for an Amendment of the Comprehensive Plan has been submitted with this rezoning. If the Comprehensive Plan Amendment is approved, the proposed use will be consistent with the adopted plan.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.