

STAFF REPORT

March 25, 2004

No. 04RZ005 - Rezoning from No Use District to Park Forest District

ITEM 43

GENERAL INFORMATION:

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| PETITIONER | Dream Design International, Inc. |
| REQUEST | No. 04RZ005 - Rezoning from No Use District to Park Forest District |
| EXISTING LEGAL DESCRIPTION | SW1/4 NE1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 40.06 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 Park Forest District be approved in conjunction with the Planned Development Designation.

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 property being zoned 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 Park Forest District.

In addition to proposing to rezone the property from No Use District to Park Forest 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 east half of the subject property from No Use District to Low Density Residential District. The applicant has also submitted a Comprehensive Plan Amendment to the Long Range Comprehensive Plan to change the land use designation on the east half of the subject

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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, 04RZ004, 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 to the property and plat the property into residential lots. As such, the property owner is requesting to change the No Use Zoning District to Park Forest Zoning District.

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

Park Forest Zoning District is intended to provide the City with an area to be preserved for its natural beauty and open character. Detached single family dwellings are allowed in the Park Forest Zoning District. The applicant has indicated that he plans to develop a residential subdivision on the subject property and the adjacent property to the east. Properties located north, south and west of the subject property are zoned General Agriculture District by Pennington County. The subject property is located west of Haines Avenue and west of the CHMH residential subdivision. Based on the location of the property adjacent to residential property and the associated property proposed to be rezoned from No Use District to Low Density Residential District, rezoning the property Park Forest District 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 General Agriculture District by Pennington County to the north, south and west. The adjacent property to the east is requested to be rezoned Low Density Residential District following a request for annexation. The proposed amendment is appropriate as the subject property is located adjacent to undeveloped property and a future residential zoning district. The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

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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). Rezoning the subject property from No Use District to Park Forest District appears to be consistent with the adopted Comprehensive 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.