

STAFF REPORT

April 8, 2004

No. 04RZ015 - Rezoning from General Agriculture District to Low Density Residential II District **ITEM 21**

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for WEB Land Holdings, LLC
REQUEST	No. 04RZ015 - Rezoning from General Agriculture District to Low Density Residential II District
EXISTING LEGAL DESCRIPTION	From a point beginning 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres
PARCEL ACREAGE	Approximately 13.06 acres
LOCATION	Along Tower Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Medium Density Residential District w/PRD
South:	Park Forest District
East:	General Commercial District w/PCD
West:	General Agriculture District
PUBLIC UTILITIES	To be extended

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DATE OF APPLICATION 03/12/2004

REPORT BY Karen Bulman

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

GENERAL COMMENTS: The subject property is located approximately 1,250 feet northeast of the Sandstone Lane/Tower Road intersection on the north side of Tower Road and west of Mount Rushmore Road. The property is currently void of any structural development and is zoned General Agriculture District. The applicant has submitted a Layout Plat to create a ten lot townhome development. The property owner has submitted a request to rezone the property from General Agriculture District to Low Density Residential II District with a Planned Development Designation and a related Amendment to the Comprehensive Plan to change the land use from Residential to Low Density Residential II with a Planned Residential Development.

The applicant has submitted several applications for proposals located in the Tower Road area incorporating approximately 57.79 acres. In addition to the Rezoning from General Agriculture District to Low Density Residential II District, the applicant has submitted fifteen applications that will be heard at the April 8, 2004 Planning Commission meeting, including: four Planned Development Designations, three Rezoning requests, four Comprehensive Plan Amendments, and four Layout Plats. The Layout Plats submitted by the applicant indicate subdividing the property into Tower Road Offices, a Tower Road Retirement Center, and ten Senior Townhomes. (See companion items: 04PL030, 04CA011, 04PD022, 04PL031, 04RZ014, 04PD019, 04CA012, 04PL032, 04RZ016, 04PD020, 04CA013, 04PL033, 04RZ017, 04CA014, and 04PD021.)

The applicant met with the Future Land Use Committee on March 26, 2004 to request a change in land use from Residential to Low Density Residential II with a Planned Residential Development.

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.*

General Agriculture Zoning District is a holding zone for properties located on the fringe of urban development. The recent development of property located north of the subject property has brought the extension of water and sewer to the area. The close proximity of water and sewer makes substantial changes in the condition of the area and increases the potential development of the subject property as well as the surrounding area. The applicant has submitted several applications for development of the Tower Road area, including this Low Density Residential II site.

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

Low Density Residential II Zoning District is intended to provide for a slightly higher population density, but with restrictions similar to Low Density Residential District. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. Rezoning the subject property from General Agriculture District to Low Density Residential II District is a good transition between the General Commercial Districts and lower density residential districts adjacent to the property.

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.*

Rezoning the subject property from General Agriculture District to Low Density Residential II District will create an additional traffic estimated to be 60 average daily trips. The slope stability in the Tower Road area is of significant concern. A geotechnical analysis of the area to determine the slope stability will be required prior to development of the subject property. A request for a Planned Development Designation (04PD019) has been submitted in conjunction with this rezoning application. The Planned Residential Development – Initial and Final Development Plan will address site specific concerns relative to drainage, slope stability, traffic and street improvements on the subject property.

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 Future Land Use Committee met on March 26, 2004 and recommended an Amendment to the Comprehensive Plan to change the land use on several properties within the Tower Road area. The subject property is currently located within a residential land use area on the City's Comprehensive Plan. This amendment is consistent with the City's 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 April 8, 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.