

STAFF REPORT
July 22, 2004

No. 04RZ034 - Rezoning from No Use District to Medium Density Residential District **ITEM 17**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting Inc. for Dean and Kimberly Henderson
REQUEST	No. 04RZ034 - Rezoning from No Use District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	South of the intersection of Chalkstone Drive and Auburn Drive
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	Medium Density Residential District w/PDD
South:	General Agriculture District (County)
East:	Medium Density Residential District
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	06/24/2004
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Medium Density Residential District be approved.

GENERAL COMMENTS: This property contains approximately 20 acres and is located south of the intersection of Chalkstone Drive and Auburn Drive. There is currently one residence located on the property. The property located north of the subject property is zoned Medium Density Residential District with a Planned Development Designation. The property located east of the subject property is zoned Medium Density Residential District. The property located south and west of the subject property is zoned General Agriculture District by Pennington County.

Currently, one residence is located on the subject property. The property owner has submitted a Petition of Annexation (04AN006) in conjunction with this rezoning request. The Future Land Use Committee recommended a Planned Development Designation be placed on this property in conjunction with the rezoning of the property. The applicant has submitted an application for the Planned Development Designation.

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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.*

A voluntary annexation of the subject property (04AN006) has been submitted in conjunction with this rezoning request. All annexed lands are temporarily placed in the No Use Zoning District. The recent annexation of the property constitutes the changing condition requiring rezoning of the property. The subject property is located in an area of increased residential development. As of this writing there are no approved development plans for the subject property. However, the applicant has indicated that future use of the land will be for residential development. The proposal to rezone the subject property to a Medium Density Residential Zoning District is reflective of a continuation of the residential development in the area.

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

The Medium Density Residential Zoning District is established to provide for medium to high population density. The principal uses of land may range from single family to multiple family apartment uses. Recreational, religious and educational facilities, and other related uses in keeping with the residential character of the district may be permitted as a conditional use. The subject property is adjacent to property currently zoned Medium Density Residential District with a Planned Development Designation to the north and Medium Density Residential District to the east. The undeveloped properties located to the south and west are zoned General Agriculture in Pennington County. Sewer and water are located within the area and will be available to the subject property. Staff believes this rezoning is appropriate given the location of the subject property and the availability of infrastructure. Due to potential conflict with likely single family residential development in the area, staff is recommending approval of this rezoning in conjunction with a Planned Development Designation. An application for a Planned Development Designation has been submitted in conjunction with this rezoning request.

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 located adjacent to Medium Density Residential Zoning Districts and adjacent to developing residential areas. Water and sewer are available to the north of the subject property. However, during the platting process, additional information will be needed to determine the adequate capacity downstream for any additional wastewater flow from residential development. Adequate storm water detention must be provided at the time of development of the property. It is important for cities to classify areas of the city as appropriate for residential use. Staff is not aware of any adverse effects that would result from rezoning the subject property from No Use District to Medium Density Residential District. The accompanying Planned Development Designation will allow any potential impacts to be mitigated.

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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 indicates that the subject property is appropriate for residential land uses. The Future Land Use Committee has recommended that a Planned Development Designation be located on the subject property to allow any problems to be mitigated in the future development of the property. Rezoning the subject property in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 22, 2004 Planning Commission meeting if the notification requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.