

STAFF REPORT
July 22, 2004

No. 04RZ036 - Rezoning from No Use District to Low Density Residential District **ITEM 35**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ036 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 60 acres
LOCATION	East of Red Rock Estates Subdivision and north of Sheridan Lake Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Low Density Residential District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Karen Bulman / Dave Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved for the revised legal description of W1/2 of NW1/4 less the N1/2 NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota.

GENERAL COMMENTS: This undeveloped property contains approximately 80 acres and is located east of Red Rocks Estates Subdivision and north of Sheridan Lake Road. A 20 acre portion of the property included in this application for rezoning is currently within City limit boundaries and is zoned General Agriculture District. A revised legal description removes this portion from the rezoning. The applicant has requested that this 20 acre parcel remain General Agriculture District. The 60 acre balance of property to be rezoned is currently zoned Suburban Residential District by Pennington County. Land located south and east of the subject property is zoned Suburban Residential District by Pennington County. Land located west of the subject property is zoned Low Density Residential District. Land located north of the subject property is zoned General Agriculture District.

The property owner has submitted a Petition of Annexation (04AN008) in conjunction with this rezoning request. In addition, the applicant has submitted a Vacation of Right-of-way

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(04VR005), a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement (04SV041), and a Comprehensive Plan Amendment to change the Major Street Plan (04CA028).

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 (04AN008) 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 void of construction but is located in a developing residential area. Single family and multi-family homes are being constructed west of the subject property. The proposal to rezone the subject property to the Low 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 Low Density Residential Zoning District is established for use as single family residential development with low population densities. Additional permitted uses, by review, include related noncommercial, recreational, religious and educational facilities normally required to provide the basis elements of a balanced and attractive residential area. The subject property is located adjacent to property currently zoned Low Density Residential District. Sewer and water are within the area and will be available to the subject property. The undeveloped properties located to the south and east are zoned Suburban Residential District in Pennington County. Staff believes this rezoning is appropriate given the location of the subject property and the availability of infrastructure.

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 Low Density Residential Zoning Districts in the City and adjacent to Suburban Residential Zoning Districts in Pennington County. Water and sewer are available to the subject property. 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 significant adverse effects that would result from rezoning the subject property from No Use District to Low Density Residential District.

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.*

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The Future Land Use Plan indicates that the subject property is appropriate for Low Density Residential land uses and is consistent with the Future Land Use Committee's recommendations for the Water Line Infrastructure Study.

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 July 22, 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.

Staff recommends approval of rezoning from No Use District to Low Density Residential Zoning District with the following revised legal description: the W1/2 of NW1/4 less the N1/2 NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota.