

STAFF REPORT
September 9, 2004

No. 04RZ038 - Rezoning from General Agriculture District to Medium Density Residential District **ITEM 30**

GENERAL INFORMATION:

PETITIONER Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society

REQUEST **No. 04RZ038 - Rezoning from General Agriculture District to Medium Density Residential District**

EXISTING
LEGAL DESCRIPTION

A parcel of land located in the West One-Half (W ½) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE ¼ SW ¼) and Southeast One Quarter of the Northwest One Quarter (SE ¼ NW ¼) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills

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Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24

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seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less.

PARCEL ACREAGE	Approximately 23.11 Acres
LOCATION	5440 Plains Vista Court
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Park Forest District
East:	Low Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/9/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.

GENERAL COMMENTS:

This staff report has been updated as of August 29, 2004. All added and/or revised text is shown in bold print. This item was continued at the August 26, 2004 Planning Commission at the request of the applicant.

This staff report has been updated as of August 25, 2004. All changes are shown in bold. The applicant has submitted a Rezoning request to change the zoning designation of the subject property from General Agriculture District to Medium Density Residential District. In addition, the applicant has submitted a Layout Plat to combine the subject property from four lots into one lot and to vacate a portion of the Plains Vista Court right-of-way. In addition, the applicant has submitted an Initial Planned Residential Development to allow an independent senior living community to be constructed on the property. The applicant has also submitted a Comprehensive Plan Amendment to change the future land use designation on the subject property from Low Density Residential to Medium Density Residential with a Planned Residential Development. In addition, the applicant has submitted

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a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer. **On August 24, 2004, the applicant submitted a Planned Development Designation request for the subject property.** (See companion items #04CA031, 04PL098, 04SV044 and 04PD041.)

The property is located at the southern terminus of Plains Vista Court. Currently, a single family residence is located on existing Tract D and Tract G, respectively.

STAFF REVIEW:

A corrected legal description has been submitted and the appropriate legal notices published. An incorrect metes and bounds legal description was submitted with this item and the associated applications. As such, staff is recommending that all of the items be continued to the August 26, 2004 Planning Commission meeting to be heard in conjunction with each other and to allow notice to be published with the correct legal description.

This request was continued to the August 26, 2004 Planning Commission meeting to allow time for discussions with the South Dakota Department of Transportation staff as well as City staff regarding the access to the project. Based on those discussions and a proposed alternative access plan, the applicant along with a representative of the South Dakota Department of Transportation and a representative of the City of Rapid City will be meeting with the adjoining property owners on August 23, 2004. Updated information will be provided to the Planning Commission based on the outcome of that discussion.

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 applicant has indicated that they wish to develop the property at urban densities with City water and sewer. The extension of sewer and water into the subject property will allow continued development of the area and constitutes a further change in conditions of the area supporting the rezoning of the property. Rapid City is continuing to develop in a southerly direction with the development of Edinborough Subdivision and the medical complex on US Highway 16. As the Southeast Connector is closer to completion, the area along US Highway 16 will further develop with a mix of residential and commercial areas. The proposal to rezone the subject property to a Medium Density Residential Zoning District is reflective of a continuation of 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 intended to provide for medium to high population density. The properties located west of the subject property are currently zoned General Commercial District and the properties located east of the subject property are currently zoned Low Density Residential District. Rezoning the

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subject property to Medium Density Residential District will create a transitional area between the single family residential use and the commercial use. The additional review provided by the Planned Residential Development process will insure unique and desirable residential configurations that take into account the topographic concerns associated with the property and the adjacent land use(s). The proposed zoning appears to be consistent with the intent and purpose of this ordinance.

- 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.*

Staff has not identified any significant adverse impacts that will result from the proposed rezoning. The additional review provided by the Planned Residential Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. As such, the proposed amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

- 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 applicant has submitted a Comprehensive Plan Amendment to the City's Long Range Comprehensive Plan to change the appropriate land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development. Upon approval, the proposed Rezoning request will be consistent with the adopted Comprehensive Plan.

Legal Notification: The receipts from the certified mailings have been returned. Staff has received several telephone calls of inquiry and/or objection regarding the proposed request.

Staff is recommending that the rezoning request be approved in conjunction with the associated Comprehensive Plan Amendment request and the Planned Development Designation.