

STAFF REPORT
May 26, 2005

No. 05RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 36**

GENERAL INFORMATION:

| | |
|----------------------------|---|
| PETITIONER | Dream Design International for SPF, LLC |
| REQUEST | No. 05RZ008 - Rezoning from No Use District to Low Density Residential District |
| EXISTING LEGAL DESCRIPTION | Land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres. |
| PARCEL ACREAGE | Approximately 39.6 acres |
| LOCATION | North of Country Road east of West Nike Road |
| EXISTING ZONING | General Agriculture District (Pennington County) |
| SURROUNDING ZONING | |
| North: | General Agriculture District/Low Density Residential District (Pennington County) |
| South: | General Agriculture District/Limited Agriculture District (Pennington County) |
| East: | General Agriculture District/Limited Agriculture District (Pennington County) |
| West: | Low Density Residential District (Planned Residential Development) |
| PUBLIC UTILITIES | To be extended |
| DATE OF APPLICATION | 1/28/2005 |
| REVIEWED BY | Karen Bulman / Curt Huus |

STAFF REPORT
May 26, 2005

No. 05RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 36**

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be **approved in conjunction with the associated Planned Development Designation and the Amendment to the Comprehensive Plan.**

GENERAL COMMENTS: **This staff report has been revised as of May 18, 2005. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 39.6 acres and is located north of Country Road and east of West Nike Road. An annexation petition has been submitted for the property. If annexed, the property will be designated as a No Use District. Land located west of the subject property is zoned Low Density Residential District. Land located south and east of the subject property is zoned General Agriculture District and Limited Agriculture District by Pennington County. Land located north of the subject property is zoned General Agriculture District and Low Density Residential District by Pennington County.

The property owner has submitted a Petition of Annexation (05AN001) in conjunction with this rezoning request. In addition to this application for Rezoning from No Use District to Low Density Residential District, the applicant has submitted a request for a Planned Development Designation (05PD006). In addition, the applicant has submitted a Petition to Annex (05AN001), a Rezoning from No Use District to Low Density Residential District (05RZ014), a Rezoning from No Use District to Medium Density Residential District (05RZ015) and a Planned Development Designation (05PD005), a Layout Plat for the subject property (05PL022), a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer (05SV012), and an Amendment to the Comprehensive Plan to change the land use from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development (05CA011).

STAFF REVIEW: Staff has reviewed the information provided by the applicant for all the submittals and is recommending that the Layout Plat be continued to allow the applicant to revise the Layout Plat document. Significant changes may occur on the property by revising the Layout Plat. As such, the applicant has requested that the Layout Plat and associated applications be continued to the March 24, 2005 Planning Commission meeting. Staff is recommending that the Request to Rezone the property from No Use District to Low Density Residential District be continued to the March 24, 2005 Planning Commission meeting to allow the rezoning to be heard in conjunction with the Layout Plat and associated applications. The applicant is continuing to revise the Layout Plat document and, as such, requests that this item be continued to the April 7, 2005 Planning Commission meeting (Revised 3-15-05). This item was continued at the April 7, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that the rezoning be continued to the April 21, 2005 Planning Commission meeting. (Revised 3-29-05) This item was continued at the April 7, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that the rezoning be continued to the May 5, 2005 Planning Commission meeting. (Revised 4-12-05) This item was continued at the April 21, 2005 Planning Commission meeting to allow the applicant time to submit additional information.

STAFF REPORT
May 26, 2005

No. 05RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 36**

To date, the information has not been submitted. As such, the applicant has requested that the rezoning be continued to the May 26, 2005 Planning Commission meeting. (Revised 4-26-05) **This item was continued at the May 5, 2005 Planning Commission meeting to allow the applicant time to submit additional information. The information has been submitted and the Layout Plat and other submittals will all be considered at the May 26, 2005 Planning Commission meeting. (Revised 5-18-05)**

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 (05AN001) has been submitted in conjunction with this rezoning request. All annexed lands are temporarily placed in the No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is Zoned General Agriculture District in Pennington County. The property owners have indicated 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 requiring rezoning of the property. Development is continuing to occur in areas north of the City along Haines Avenue. The proposed area to be developed is located east of Haines Avenue and north of Country Road. The proposal to rezone the subject property to a Low 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 Low Density Residential Zoning District is intended to be used for single-family residential development with low population densities. The subject property is located adjacent to General and Limited Agriculture Districts and Low Density Residential Districts in Pennington County. The property owners have indicated that infrastructure will be extended into the area. Due to potential conflict with existing traffic and drainage issues 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 General Agriculture, Limited Agriculture and Low Density Residential Zoning Districts in Pennington County. The applicant has indicated that water and sewer will be available to the subject property.

STAFF REPORT
May 26, 2005

No. 05RZ008 - Rezoning from No Use District to Low Density Residential District ITEM 36

Development issues including; drainage, traffic, landscape buffers, and any other issues, will be addressed at the time of the Planned Residential Development and Preliminary Plat approval. It is important for cities to classify areas of the city as appropriate for residential use. The accompanying Planned Development Designation will allow any potential impacts to be mitigated.

- 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 Northeast Neighborhood Area Future Land Use Plan identifies this area as appropriate for a Planned Residential Development with a maximum of 2.5 dwelling units per acre. An Amendment to the Comprehensive Plan to change the land use on the subject property from a Planned Residential Development with a maximum of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development will be considered in conjunction with this rezoning application. If approved, the subject property would be appropriate for Low Density Residential land uses with a Planned Development Designation. The Future Land Use Committee met on February 18, 2005 and 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. The applicant has indicated that the extension of sewer and water will be brought to the property.

As of this writing, the required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries and objections regarding the proposed rezoning.

Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Planned Development Designation and the Amendment to the Comprehensive Plan. (Revised 5-18-05)