

STAFF REPORT
October 6, 2005

No. 05RZ053 - Rezoning from No Use District to Low Density Residential District **ITEM 15**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 05RZ053 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	Adjacent to the south side of Country Road and east of West Nike Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development) - Suburban Residential District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	9/9/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the related Planned Development Designation for the following legal description only: "From the north ¼ corner of Section 19, T2N, R8E, BHM, on the ¼ line S00°14'33" W 33.00 feet to the point of beginning; thence S00°14'33" W 260.00 feet; thence N89°33'54" W 207.54 feet; thence N00°14'33" E 260.00 feet; thence S89°33'54" E 207.54 feet to the point of beginning".

GENERAL COMMENTS: This undeveloped property contains approximately 40 acres and is located adjacent to the south side of Country Road and east of West Nike Road. The property was annexed into the City limits effective September 4, 2005. Upon annexation into the City limits, the property was zoned No Use District. Land located south and west of the subject property are zoned General Agriculture District by Pennington County. Land located east of the subject property is zoned Limited Agriculture District by Pennington

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County. Land located north of the subject property is zoned Low Density Residential District with a Planned Residential Development and Suburban Residential District by Pennington County. The Rapid City Comprehensive Plan indicates that this property is appropriate for Low Density Residential land uses with a Planned Residential Development. The applicant has submitted an application for a Planned Development Designation for the subject property.

The property owner has requested that only the portion of the subject property that is proposed to be the location of a lift station be rezoned at this time. As such, the rezoning of this property will include only the 1.239 acres indicated by a metes and bounds description of the lift station property as indicated. The future rezoning of the balance of the property will be completed at a later date.

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 (05AN006) was approved by the City Council on August 1, 2005 and was effective on September 4, 2005. All annexed lands are temporarily placed in a No Use Zoning District. The recent annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is the future location of a lift station to serve the surrounding property. 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. Utility substations are permitted through a Conditional Use Permit or 11-6-19 SDCL Review. The subject property is located adjacent to General Agriculture Districts in Pennington County and Low Density Residential District and Suburban Residential District in Pennington County. The property owners have indicated that infrastructure will be extended into the adjacent area. Due to potential conflicts with existing low levels of 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 General Agriculture and Limited Agriculture Zoning Districts in Pennington County. The applicant has indicated that the subject property

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will be the future location of a lift station for adjacent properties. 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.*

The Future Land Use Plan identifies this area as appropriate for Low Density Residential land use with a Planned Residential Development. Rezoning the subject property in conjunction with a Planned Development Designation appears to be appropriate. The Planned Development Designation will provide the mechanism to mitigate any future impacts that may arise in the development of the subject property. The proposed rezoning to Low Density Residential Zoning District does not conflict with the Development Plan of Rapid City.

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 advise the Planning Commission at the October 6, 2005 Planning Commission meeting if this requirement has not been met.

Staff is recommending that the Rezoning request from No Use District to Low Density Residential District be approved for only the portion described by metes and bounds and in conjunction with a Planned Development Designation.