

STAFF REPORT
October 27, 2005

No. 04RZ037 - Rezoning from No Use District to Low Density Residential District **ITEM 26**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ037 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	A parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 120 acres
LOCATION	East of South Highway 16 and south of Sammis Trail
EXISTING ZONING	No Use District (City)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Planned Unit Development (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Karen Bulman / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be **continued to the November 23, 2005 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS: **This staff report has been revised as of October 18, 2005. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 120 acres and is located east (Revised 8-16-04) of South Highway 16 and south of Sammis Trail. The property is currently in the process of annexation and is zoned No Use District upon annexation into the City limits. Land located south of the subject property is zoned Planned Unit Development by Pennington County. Land located north of the subject property is zoned General Agriculture District in the City and Limited Agriculture District by Pennington County. Land located east and west of the subject property is zoned General Agriculture District by Pennington County.

The property owner has submitted a Petition of Annexation (04AN009) 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 Petition to Annex (04AN009), a Layout Plat for the subject property (04PL097), a Variance to the

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Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement (04SV042), and a Comprehensive Plan Amendment to change the Major Street Plan (04CA029).

STAFF REVIEW: The Rapid City Comprehensive Plan indicates that this property is appropriate for Park Forest land uses. At the present time, a Comprehensive Plan Amendment to change the land use from Park Forest to Low Density Residential would need to be submitted and approved prior to the rezoning of the property to Low Density Residential District. The land use plan for this area is currently in the process of being revised. A U.S. Highway 16 Corridor Study Final Report will be heard at the July 19, 2004 City Council meeting. The Highway 16 Corridor Study Final Report indicates that the subject property would be appropriate for Low Density Residential land use(s) with a Planned Development Designation. Staff is requesting that the rezoning of this property from No Use District to Low Density Residential District be continued to the August 5, 2004 Planning Commission meeting to allow the Future Land Use Plan for this area to be reviewed. If the Future Land Use Plan for the area is approved, (revised 7-27-04) the land use for the subject property would then be appropriate for Low Density Residential land uses with a Planned Development Designation and the rezoning of this property would be consistent with the adopted (revised 7-27-04) land use plan. The Future Land Use Committee met on October 8, 2004 and revised the draft Future Land Use Plan for the subject property. The draft Future Land Use Plan for this area recommends a maximum density of 2.0 dwelling units per acre. (Revised 10-11-04) The Planning Commission will consider this recommendation at a continued public hearing on November 4, 2004. The Planning Commission recommended approval of the US Highway 16 Corridor Future Land Use Plan on November 4, 2004. At the November 15, 2004 City Council meeting, the Council continued action on the Future Land Use Plan to a Special Council meeting to be held December 13, 2004 at 7 pm. (Revised 11-16-04) At the December 13, 2004 meeting, the Council continued the Special Council meeting and action on the Future Land Use Plan to January 10, 2005 at 7 pm (Revised 12-16-04). At the January 10, 2005 Special Council meeting, the Council continued the Future Land Use Plan to a Special Working Council meeting to be held on January 24, 2005 with action to be taken at the February 7, 2005 City Council meeting. As such, the applicant requests that this item be continued to the February 24, 2005 Planning Commission meeting (Revised 1-14-05). At the February 7, 2005 City Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on February 28, 2005. As such, the applicant requests that this item be continued to the March 10, 2005 Planning Commission meeting (Revised 2-11-05). At the February 28, 2005 City Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on March 28, 2005. As such, the applicant requests that this item be continued to the April 7, 2005 Planning Commission meeting (Revised 3-1-05). At the March 28, 2005 Special Council meeting, the Council continued the Future Land Use Plan to Special Council meetings to be held on April 11, 2005 and April 25, 2005. As such, the applicant requests that this item be continued to the May 5, 2005 Planning Commission meeting (Revised 3-29-05). The City Council met on May 2, 2005 and continued the Future Land Use Plan to a Special Council meeting on May 9, 2005. Subsequently, the City Council continued the item to the May 16, 2005 City Council meeting. At the May 16, 2005 City Council meeting, the US Highway 16 Corridor Future Land Use Plan was approved. (Revised 5-18-05) The US Highway 16 Corridor Future

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Land Use Plan was effective June 22, 2005. (Revised 6-30-05)

The Future Land Use Committee met on July 9, 2004 and considered the land use for the subject property. The Committee stated that due to the topography and current land use in the area, a Planned Development Designation would be appropriate for the subject property in conjunction with the rezoning application. The applicant has agreed with this request and has submitted an application for a Planned Development Designation on this property.

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 (04AN009) 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. This undeveloped property is in a Planned Unit Development 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. Rapid City is continuing to be developed 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 be further developed in a mix of residential and commercial areas. 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 Agriculture Districts in Pennington County and Planned Unit Development in Pennington County. The property owners have indicated that infrastructure will be extended into the area. Due to potential conflict 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 water and sewer will be available to the subject property. Development issues including; drainage, traffic,

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landscape buffers, wild land fire mitigation, and any other issues, will be addressed at the time of Preliminary Plat approval. 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. 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 US Highway 16 Corridor Study Future Land Use Plan identifies this area as appropriate for Low Density Residential land use with a Planned Residential Development, to allow the developer some flexibility in utilizing the subject property. The previous Comprehensive Plan identified the subject property as Park Forest land use. The US Highway 16 Corridor Study Future Land Use Plan will be heard in conjunction with this rezoning. If approved, the subject property would be appropriate for Low Density Residential land uses with a Planned Development Designation. 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. With the recent extension of City sewer and water to the Moon Ridge Drive/U.S. Highway 16 intersection, City services are now available to this area. The applicant has indicated that the extension of sewer and water will be brought to the property. As such, the change from park forest land use to low density residential land use may be appropriate, thus making higher density development appropriate. Contingent on the approval of the US Highway 16 Corridor Study Land Use Plan, rezoning the subject property in conjunction with a Planned Development Designation appears to be appropriate. (Revised 7-27-04) The Future Land Use Committee met on October 8, 2004 and revised the Future Land Use Plan for this area. If the revised plan is approved, the subject property would be appropriate for Low Density Residential land uses with a maximum density of 2.0 dwelling units per acre with a Planned Development Designation. The Planned Development Designation would provide the mechanism to insure that the development of the subject property would not exceed the density in the approved Future Land Use Plan. (Revised 10-11-04) The US Highway 16 Corridor Future Land Use Plan identified the subject property as appropriate for Low Density Residential land uses with a maximum density of 2.5 dwelling units per acre with a Planned Development Designation. Density will be addressed during the platting procedure. (Revised 5-18-05) The US Highway 16 Corridor Future Land Use Plan was approved with the designation of the land use on the subject property as Low Density Residential with a maximum density of 2.5 dwelling units per acre with a Planned Residential Development designation and was effective June 22, 2005. A Planned Development Designation (04PD040) has been submitted with this rezoning. (Revised 6-30-05)

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.

The U.S. Highway 16 Corridor Land Use Plan was continued at the August 5, 2004 Planning

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Commission meeting in order to notify the surrounding neighborhood of a public hearing set for August 12, 2004 and subsequently August 19, 2004. At the August 19, 2004 Planning Commission meeting, the U.S. Highway 16 Corridor Land Use Plan was continued to October 14, 2004 at 7:00 p.m. The rezoning of the subject property was previously continued to the August 26, 2004 Planning Commission meeting in order to be heard after the Land Use Plan hearing. Staff is recommending that the rezoning from No Use District to Low Density Residential District be continued to the October 21, 2004 Planning Commission meeting to allow the request to be considered after the consideration of the Comprehensive Plan Amendment. The revised U.S. Highway 16 Corridor Land Use Plan will be considered at the October 14, 2004 Planning Commission meeting. Upon approval of the U.S. Highway 16 Corridor Land Use Plan, staff is recommending that the rezoning of the subject property from No Use District to Low Density Residential District be approved in conjunction with a Planned Development Designation. (Revised 10-11-04) The Planning Commission continued the draft US Highway 16 Corridor Future Land Use Plan to a special November 4, 2004 Planning Commission meeting which will be held at 7:00 p.m. in the City Council Meeting Room. As such, the applicant has requested that this item be continued to the November 24, 2004 Planning Commission meeting. (Revised October 15, 2004) The Planning Commission recommended approval of the US Highway 16 Corridor Future Land Use Plan on November 4, 2004. At the November 15, 2004 City Council meeting, the Council continued action on the Future Land Use Plan to a Special Council meeting to be held December 13, 2004 at 7 pm. As such, staff recommends that this item be continued to the January 6, 2005 Planning Commission meeting (Revised 11-16-04). At the December 13, 2004 Special City Council meeting, the Council continued the meeting and action on the Future Land Use Plan to a Special Council meeting to be held January 10, 2005 at 7 pm. As such, staff recommends that this item be continued to the January 27, 2005 Planning Commission meeting (Revised 11-16-04). At the January 10, 2005 Special Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on January 24, 2005 with action to be taken at the February 7, 2005 City Council meeting. As such, the applicant requests that this item be continued to the February 24, 2005 Planning Commission meeting (Revised 1-14-05). At the February 7, 2005 City Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on February 28, 2005. As such, the applicant requests that this item be continued to the March 10, 2005 Planning Commission meeting (Revised 2-11-05). At the February 28, 2005 City Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on March 28, 2005. As such, the applicant requests that this item be continued to the April 7, 2005 Planning Commission meeting (Revised 3-1-05). At the March 28, 2005 Special Council meeting, the Council continued the Future Land Use Plan to Special Council meetings to be held on April 11, 2005 and April 25, 2005. As such, the applicant requests that this item be continued to the May 5, 2005 Planning Commission meeting (Revised 3-29-05). At the March 28, 2005 Special Council meeting, the Council continued the Future Land Use Plan to Special Council meetings to be held on April 11, 2005 and April 25, 2005. Subsequently, the City Council continued the item to the May 2, 2005 City Council meeting. As such, the applicant requests that this item be continued to the May 26, 2005 Planning Commission meeting (revised 4-29-05). The City Council met on May 2, 2005 and continued the Future Land Use Plan to a Special Council meeting on May 9, 2005. Subsequently, the City Council continued the item to the May 16, 2005 City Council meeting. At the May 16, 2005 City Council meeting, the adoption of the

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US Highway 16 Corridor Future Land Use Plan was approved. The applicant requests that the rezoning of the property be considered after the Future Land Use Plan is effective. Therefore, the applicant requests that the rezoning of the subject property be continued to the July 7, 2005 Planning Commission meeting. (Revised 5-18-05) The US Highway 16 Corridor Future Land Use Plan was effective June 22, 2005. This item was continued at the May 26, 2005 Planning Commission meeting at the applicant's request. On May 26, 2005, staff met with the applicant's consultant and discussed outstanding issues specific to this site. In particular, it was identified that the applicant's consultant would submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Rezoning be continued to the July 21, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information as identified and to allow the Rezoning to be heard in conjunction with the Layout Plat. (Revised 6-30-05) To date, the additional information has not been submitted for review and approval. The applicant requests that this rezoning be continued to the August 4, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information identified. (Revised July 8, 2005) This item was continued at the July 21, 2005 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant's consultant on May 26, 2005 and discussed outstanding issues specific to this site. To date, the information has not been submitted for review and approval. On July 22, 2005, staff met with the applicant's consultant to further discuss the extension of utilities to the proposed development as well as street classification and configuration through the development. The applicant's consultant has, subsequently, requested that this item be continued to the September 22, 2005 Planning Commission to allow sufficient time to address the items as identified. As such, staff is recommending that the Rezoning from No Use District to Low Density Residential District be continued to the September 22, 2005 Planning Commission meeting at the applicant's request. (Revised 7-25-05) This item was continued at the August 4, 2005 Planning Commission meeting to allow the applicant to submit additional information. The applicant has, subsequently, requested that this item be continued to the October 27, 2005 Planning Commission meeting to allow them additional time to submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. As such, staff is recommending that the Rezoning from No Use District to Low Density Residential District be continued to the October 27, 2005 Planning Commission meeting as requested. **This item was continued at the September 22, 2005 Planning Commission meeting to allow the applicant to submit additional information. The applicant has, subsequently, requested that this item be continued to the November 23, 2005 Planning Commission meeting to allow them additional time to submit the information. As such, staff is recommending that the Rezoning from No Use District to Low Density Residential District be continued to the November 23, 2005 Planning Commission meeting as requested. (Revised 10-18-05)**