

STAFF REPORT  
January 26, 2006

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**No. 05RZ064 - Rezoning from No Use District to Low Density Residential District**      **ITEM 39**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 05RZ064 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	On the following parcels of land: the SW1/4 NW1/4; the northern most 210 feet of the SE1/4 SW1/4 SW1/4; the NE1/4 SW1/4 SW1/4; the northern most 870 feet of the SE1/4 SW1/4; the E1/2 NW1/4 SW1/4; the SE1/4 NE1/4 SW1/4; and the W1/2 NE1/4 SW1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington
PARCEL ACREAGE	Approximately 129.5 acres
LOCATION	South of Interstate 90 and east of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District - No Use District
South:	No Use District
East:	No Use District
West:	General Agriculture District - No Use District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	12/9/2005
REVIEWED BY	Karen Bulman / Not Assigned

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

GENERAL COMMENTS: This undeveloped property contains approximately 129.5 acres and is located south of Interstate 90 and east of Elk Vale Road. The subject property was annexed into the City effective July 22, 2003 and placed in a No Use Zoning District. The property located north of the subject property is zoned No Use District and General Commercial District. The property located west of the subject property is zoned General Agriculture District and No Use District. The property located south and east of the subject property is zoned No Use District.

STAFF REVIEW: The subject property is identified on the Elk Vale Neighborhood Future Land

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Use Plan as appropriate for a Planned Residential Development with a maximum density of 1.5 dwelling units per acre land use, Office Commercial with a Planned Commercial Development and Light Industrial land use. Comprehensive Plan Amendments to revise the Elk Vale Neighborhood Future Land Use Plan by changing the land use designation on a portion of the subject property from Light Industrial to Low Density Residential with a Planned Residential Development (05CA046) and from Office Commercial with a Planned Commercial Development to Low Density Residential with a Planned Residential Development (05CA047) have been submitted in conjunction with this rezoning application.

The Future Land Use Committee met with the property owners on May 6, 2005 and toured the area on May 27, 2005. The Future Land Use Committee reviewed and recommended approval for Low Density Residential land use with a Planned Residential Development for the subject property. The property owner has agreed with the request to submit an application for a Planned Development Designation on the subject 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 (03AN006) was effective in July 2003. All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is located along N. Elk Vale Road and in an area that is reflective of continuing residential development.

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 close to a public school and other residential development in the area. There is also a mix of General Commercial, Office Commercial, General Agriculture and Medium Density Residential Zoning Districts proposed for the area. The property owners have indicated that infrastructure will be extended into the area as development occurs. It should be noted that an off-premise sign/billboard is currently located on the subject property. By rezoning this property to Low Density Residential Zoning District, the off-premise sign becomes a non-conforming structure as off-premise signs/billboards are not allowed in Low Density Residential Zoning Districts. The sign may remain in place; however, any future modifications to the sign will not be permitted. Due to potential conflict with any future development in the area along North Elk Vale Road, a principal arterial street, the Future Land Use Committee recommends approval of this rezoning in conjunction with a Planned Development Designation. An application for a Planned Development Designation is to be submitted in conjunction with this rezoning request.

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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 a mix of proposed General Commercial, Office Commercial and residential zoning districts. The applicant has indicated that water and sewer will be available to the subject property as development occurs. North Elk Vale Drive, a principal arterial street is located adjacent to the subject property. Development issues including; drainage, traffic, landscape buffers, wild land fire mitigation, and any other issues, will be addressed at the time of the Planned Residential Development – Initial and Final Plan. 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 North Elk Vale Neighborhood Future Land Use Plan identifies this area as appropriate for a Planned Residential Development with a maximum of 1.5 dwelling units per acre, Office Commercial with a Planned Commercial Development land use and Light Industrial land use. The Future Land Use Committee has recommended that a Planned Development Designation be located on the subject property. Comprehensive Plan Amendments to revise the Elk Vale Neighborhood Future Land Use Plan changing the land use designation on a portion of the subject property from Light Industrial to Low Density Residential with a Planned Residential Development (05CA046) and from Office Commercial with a Planned Commercial Development to Low Density Residential with a Planned Residential Development (05CA047) have been submitted with this rezoning application. The Planned Residential Development will allow the developer some flexibility in utilizing the subject property and will mitigate any issues that may occur with future development. The property owner has indicated that the extension of sewer and water will be brought to the property as development occurs. Rezoning the subject property in conjunction with the Comprehensive Plan Amendments and a Planned Development Designation appears to be appropriate.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the January 26, 2006 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.