

STAFF REPORT
August 24, 2006

No. 06RZ019 - Rezoning from General Agriculture District to Low Density Residential District **ITEM 21**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 06RZ019 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	The unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80.85
LOCATION	Southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	6/9/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be continued to the **September 7, 2006** Planning Commission meeting at the applicant's request.

GENERAL COMMENTS: **This staff report has been revised as of August 11, 2006. All revised and/or added text is shown in bold print. This item was continued at the August 10, 2006 Planning Commission meeting at the applicant's request.**

This undeveloped property contains approximately 80.85 acres and is located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates. The property is currently zoned General Agriculture District in Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located east, west and south of the subject property is zoned Limited Agriculture District by Pennington County. In addition to this application for Rezoning from

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No Use District to Low Density Residential District, the applicant has submitted a Petition of Annexation (06AN002), an Amendment to the Comprehensive Plan to change the land use from General Agriculture to Low Density Residential with a Planned Residential Development (06CA018), a Planned Development Designation (06PD044), a Preliminary Plat (06PL090), a Variance to the Subdivision Regulations (06SV039) and a SDCL 11-6-19 Review (06SR052).

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 (06AN003) has been submitted in conjunction with this rezoning request. 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 southeast of Elk Vale Road, northeast of Old Folsom Road, and south of Elks Country Estates and in an area that is ready to develop.

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 in an area ready for residential development. The subject property is located adjacent to Low Density Residential II Zoning District and Limited Agriculture Districts in Pennington County. The Comprehensive Land Use Plan indicates that this property is appropriate for a General Agriculture land uses. The applicant has submitted a Comprehensive Plan Amendment to change that designation to Low Density Residential land use with a Planned Residential Development in conjunction with this rezoning application. Upon approval of the Comprehensive Plan Amendment, the land use will then be consistent with adjacent property to the north. As development occurs, Jolly Lane will be extended from the north through this area and Minnesota Street will extend along the northern boundary. Water and sewer facilities are present in the area and will be extended as development occurs.

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 Low Density Residential II zoning district. Water and sewer is proposed to be extended into the subject property as development occurs. Currently, the water and sewer proposal is being reviewed by the staff. Minnesota Street, a proposed minor arterial street on the City's Major Street Plan, will be located along the northern boundary of the subject property. Jolly Lane, a proposed collector street on the City's Major Street Plan, will extend in a north/south direction through the property as development occurs. Staff is not aware of any significant adverse effects that would result

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from rezoning the subject property from No Use District to Low Density Residential District when adequate infrastructure is extended as part of the development of this area.

- 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 Comprehensive Land Use Plan identifies this area as appropriate for General Agriculture land uses. An application for a Comprehensive Plan Amendment to change the land use on the subject property to Low Density Residential with a Planned Residential Development has been submitted in conjunction with the Rezoning of the subject property. A drainage basin study has not been completed for this area. Traffic from the residential area will have adequate access through Minnesota Street and Jolly Lane. Rezoning the subject property from No Use District to Low Density Residential District appears to be appropriate.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 6, 2006 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing. **The sign has been posted on the property and the certified mailings have been returned. (Revised August 11, 2006)**