

STAFF REPORT
November 9, 2006

No. 06RZ039 - Rezoning from No Use District to Low Density Residential District **ITEM 49**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting for Harley Taylor
REQUEST	No. 06RZ039 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said</p>

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Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line

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of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning.

PARCEL ACREAGE

Approximately 22.32 acres

LOCATION

At the southern terminus of Carriage Hills Drive

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EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (Pennington County)
East:	Low Density Residential District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/27/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be **approved**.

GENERAL COMMENTS: **This staff report has been revised as of October 31, 2006. All revised and/or added text is shown in bold print. This application was continued at the October 26, 2006 Planning Commission meeting to allow the application to be legally advertised. The legal advertisement has been made and staff recommends approval of the Rezoning from No Use District to Low Density Residential District.** This undeveloped property contains approximately 22.32 acres and is located at the southern terminus of Carriage Hills Drive. An annexation request for the property is currently being processed (06AN004) and will be zoned No Use District upon annexation into the City limits. The applicant is requesting that the property be rezoned from No Use District to Low Density Residential District. Land located north and east of the subject property is zoned Low Density Residential District. Land located west and south of the subject property is zoned Suburban Residential District by Pennington County.

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 (06AN004) 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. The proposal to rezone the subject property to a Low Density Residential Zoning District is reflective of a continuation of residential development occurring in the area.

2. *The proposed zoning is consistent with the intent and purposes of this ordinance.*

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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 Low Density Residential Zoning Districts and Suburban Residential Districts in Pennington County. The Comprehensive Plan identifies the subject property as appropriate for residential land uses. The proposed zoning is consistent with the surrounding zoning designations and the intent of this ordinance.

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 zoning district. Water and sewer are proposed to be extended into the subject property as development occurs. Corral Drive, a minor arterial street on the City's Major Street Plan, will allow access to the proposed lots to be created within the subject property. City sewer and water will be extended into the subject property. 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 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 Residential land uses. As such, rezoning the subject property from No Use District to Low Density Residential District is consistent with the Comprehensive Plan.

As of this writing, the required rezoning sign has been posted on the property. There were errors in the certified letters sent by the applicant. As such, certified letters are required to be resent with the corrections. The rezoning application must be continued to the November 9, 2006 Planning Commission to allow the certified letters to be legally sent. Staff has received two inquiries but no objections regarding the proposed rezoning at the time of this writing. **The legal advertisement has been corrected and the certified letters have been legally sent. (Revised 10-31-06)**

Staff recommends that the Rezoning from No Use District to Low Density Residential District be continued to the November 9, 2006 Planning Commission meeting to allow the rezoning to be legally advertised. **Staff recommends approval of the Rezoning from No Use District to Low Density Residential District. (Revised 10-31-06)**