

STAFF REPORT
February 22, 2007

No. 07RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 30**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07RZ008 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in Government Lot 3 and the SE1/4 of the NW1/4 of Section 4, T1N, R8E, BHM, Pennington County, more fully described as follows: Commencing at the northeast corner of said Lot 3, said point being coincident with the north one-quarter corner of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, said corner being marked by a brass cap; thence, southerly along the one-quarter section line, S00°05'16"E, a distance of 512.09 feet, more or less, to the point of beginning; thence, continuing southerly along the one-quarter section line, S00°05'16"E, a distance of 1914.86 feet, more or less, said point being marked by an iron pin; thence, continuing southerly along the one-quarter section line, S00°05'03"E, a distance of 246.18 feet, more or less to the center one-quarter corner of said Section 4, said point being marked by a rebar with surveyor cap number 6565; thence, westerly along the one-quarter section line, S89°48'42"W, a distance of 1328.91 feet, more or less to the southwest corner of the SE1/4 of the NW1/4 of said Section 4, said point being marked by a rebar with surveyor cap number 6565; thence, northerly along the one-sixteenth section line, N00°02'44"E, a distance of 1048.69 feet, more or less to the southwest corner of Lot A of the SE1/4 NW1/4, Section 4, T1N, R8E. BHM, Pennington County, South Dakota, as shown on the plat recorded in Plat Book 17 on Page 167, said point being marked by a 5/8 inch rebar; thence, easterly along the south line of said Lot A, N89°59'59"E, a distance of 145.15 feet, more or less to the southeast corner of said Lot A, said point being marked by a 5/8 inch rebar; thence, northerly along the east line of said Lot A, N00°02'52"E, a distance of 110.12 feet, more or less, to the northeast corner of said Lot A, said point being marked by a 5/8 inch rebar; thence, westerly along the north line of said Lot A, S89°53'30"W, a distance of 145.14 feet, more or less, to the northwest corner of said Lot A and the one-sixteenth section line, said point being marked by a 5/8 inch rebar; thence,</p>

STAFF REPORT
February 22, 2007

No. 07RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 30**

northerly along the one-sixteenth section line N00°00'48"W, a distance of 995.00 feet, more or less; thence, N89°53'30"E, a distance of 151.98 feet, more or less; thence, curving to the right on a curve with a radius of 226.00 feet, an arc length of 2.79 feet, a delta of 00°42'26", and a chord bearing of S00°22'01"E with a chord distance of 2.79 feet; thence, S00°00'48"E, a distance of 181.83 feet, more or less; thence, N89°50'20"E, a distance of 968.82 feet, more or less; thence, N00°03'34"W, a distance of 108.52 feet, more or less; thence, curving to the right on a curve with a radius of 326.00 feet, an arc length of 85.64 feet, a delta of 15°03'07", and a chord bearing of N07°28'00"E with a chord distance of 85.40 feet; thence, N89°54'44"E, a distance of 193.07 feet, more or less, to the point of beginning

PARCEL ACREAGE	Approximately 61.13 acres
LOCATION	East of Valley Drive and west of Concourse Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Low Density Residential District
East:	Light Industrial District
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water / Rapid Valley Sanitary District
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Karen Bulman / Todd Peckosh

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

GENERAL COMMENTS: This undeveloped property contains approximately 61.13 acres and is located east of Valley Drive and west of Concourse Drive. An annexation request for the property is currently being processed (07AN001) 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 of the subject property is zoned No Use District. Land located south of the subject property is zoned Low Density Residential District. Land located west of the subject property is zoned Limited Agriculture District by Pennington County. Land located east of the subject property is

STAFF REPORT
February 22, 2007

No. 07RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 30**

zoned Light Industrial District. The Elk Vale Neighborhood Future Land Use Plan indicates that this property is appropriate for Low Density Residential land uses with a Planned Residential Development.

In addition to the annexation petition, the applicant has submitted a Preliminary Plat application (07PL015), a Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sewer along Homestead Street (07SV004), a Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage (07SV005), a SDCL 11-6-19 Review to create an H Lot and to construct Homestead Street (07SR011), an Initial and Final Planned Residential Development on the Low Density Residential land use property (07PD004), a rezoning for property from No Use District to Medium Density Residential District (07RZ009), and a Planned Development Designation for the Medium Density Residential land use property (07PD005).

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 (07AN001) 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 Low Density Residential Zoning District is reflective of the adjacent 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 adjacent to Low Density Residential Zoning District and Limited Agriculture District by Pennington County. A significant drainage area separates the residential land uses from the industrial land uses to the east. The Elk Vale Neighborhood Future Land Use Plan identifies the subject property as appropriate for Low Density Residential land use with a Planned Residential Development. The applicant has submitted a Planned Residential Development – Initial and Final Development Plan (07PD004) in conjunction with this rezoning application. The proposed zoning is consistent with the surrounding zoning designations and the intent of this ordinance. Rezoning the subject property from No Use District to Low Density Residential District appears to be appropriate.

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 an existing Low Density Residential Zoning

STAFF REPORT
February 22, 2007

No. 07RZ008 - Rezoning from No Use District to Low Density Residential District **ITEM 30**

District. The proposed rezoning would provide an extension of the existing zoning. Water and sewer are proposed to be extended into the subject property as development occurs. A SDCL 11-6-19 Review (07SR011) has been submitted to construct Homestead Street, a proposed collector street on the City's Major Street Plan. The extension of Homestead Street will provide access to the subject property. In addition, the submitted Preliminary Plat application (07PL015) indicates that a road connection from Copperfield Drive will be created to allow access through the Copperfield Subdivision. This road connectivity will also allow for a second access for properties within the Copperfield Subdivision. In addition, the Initial and Final Planned Residential Development will serve as a tool to address any issues specific to the subject property and will help mitigate any potential negative impacts that may occur on existing and future land uses within the area. 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 Elk Vale Neighborhood Future Land Use Plan identifies this area as appropriate for Low Density Residential land use with a Planned Residential Development. A Planned Residential Development – Initial and Final Development Plan (07PD004) has been submitted for the subject property and will serve to address any specific issues and mitigate any potential negative impacts that may occur. 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 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 February 22, 2007 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

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