

STAFF REPORT

June 21, 2007

No. 07RZ046 - Rezoning from Low Density Residential II District to Medium Density Residential District **ITEM 30**

GENERAL INFORMATION:

PETITIONER enVision Design Inc. for Plum Creek Development, LLC

REQUEST **No. 07RZ046 - Rezoning from Low Density Residential II District to Medium Density Residential District**

EXISTING
LEGAL DESCRIPTION

A Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: beginning at the south one-quarter corner of said Section 16, monumented with a "Brass Cap"; Thence S89°58'32"W along the south line of said SW1/4 of Section 16 a distance of 674.94 feet to a point on a curve from which the radius of said curve bears N00°01'28"W a distance of 500.00 feet; Thence north westerly along the arc of said curve to the right having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet; Thence departing said curve north 45°34'07" west a distance of 416.97 feet to the east line of the southwest one-quarter of said SW1/4; Thence N00°01'14"W along said east line a distance of 886.44 feet to the south line of the N1/2 of said SW1/4; Thence S89°56'28"W along said south line a distance of 658.08 feet; Thence N37°01'09"E a distance of 332.57 feet; Thence N35°19'22"E a distance of 88.82 feet; Thence S60°47'57"E a distance of 131.75 feet; Thence N56°10'10"E a distance of 406.42 feet; Thence N89°53'34"E a distance of 147.45 feet; Thence S00°06'26"E a distance of 176.99 feet; Thence N89°53'34"E a distance of 52.00 feet; Thence S00°06'26"E a distance of 263.59 feet; Thence S05°40'23"W a distance of 40.49 feet; Thence S11°27'13"W a distance of 200.28 feet; Thence S01°00'22"W a distance of 153.84 feet; Thence N90°00'00"E a distance of 139.82 feet; Thence S00°08'39"E a distance of 488.33 feet; Thence N89°52'38"E a distance of 140.00 feet; Thence S00°07'22"E a distance of 64.71 feet to a point on a curve from which the radius of said curve bears N89°52'38"E a distance of 201.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 201.00 feet, a central angle of 90°00'00" for a distance of 315.73 feet; Thence departing said curve N89°52'38"E a distance of 640.71 feet; Thence

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	S00°00'00"W a distance of 237.79 feet to the point of beginning, containing an area of 20 acres more or less
PARCEL ACREAGE	Approximately 20 acres
LOCATION	Southeast of the intersection of Willowbend Road and Elk Vale Road
EXISTING ZONING	Low Density Residential II District - Low Density Residential II District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)
South:	Low Density Residential II District - General Agriculture District
East:	Low Density Residential II District (Planned Residential Development)
West:	General Agriculture District - Low Density Residential II District - General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/25/2007
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendments, staff recommends that the rezoning from Low Density Residential II District to Medium Density Residential District be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.

GENERAL COMMENTS: This property contains approximately 20 acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned Low Density Residential II District. Land located north and east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located south of the subject property is zoned Low Density Residential II District and General Agriculture District. Land located west of the subject property is zoned General Agriculture District, Low Density Residential II District and General Commercial District with a Planned Commercial Development. In addition to this application for a Rezoning from Low Density Residential II District to Medium Density Residential District, the applicant has submitted an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development (07CA027). In addition, the applicant has submitted a

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Comprehensive Plan Amendment to change the land use on two adjacent property from General Agriculture to General Commercial with a Planned Commercial Development (07CA026) and (07CA025). Two rezoning applications also accompany the Comprehensive Plan Amendments. The applicant requests to rezone one property from Low Density Residential II District to General Commercial District (07RZ045) and one property from General Agriculture District to General Commercial District (07RZ044).

STAFF REVIEW: The Future Land Use Committee met June 1, 2007 and reviewed the associated Comprehensive Plan Amendment to change the land use from General Agriculture to Medium Density Residential with a Planned Residential Development.

The following comments are based on the Future Land Use Committee's review of the related Comprehensive Plan Amendments:

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.*

The undeveloped subject property is zoned Low Density Residential II District. This zoning was the result of significant discussions and compromises with the previous owners, Ray Elliott and Owen Emme. While the property is now owned by a different LLC, Mr. Elliott remains an owner. No substantially changed conditions have been identified that make it necessary to rezone the subject property.

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

The Medium Density Residential Zoning District is to provide for medium to high population density. The principal uses of land may range from single-family to multiple-family apartment uses. The subject property is located adjacent to General Agriculture Zoning District, General Commercial Zoning District with a Planned Commercial Development and Low Density Residential II Zoning Districts with a Planned Residential Development. The Future Land Use Committee found that the area adjacent to the proposed extension of Minnesota Street may be an appropriate location for medium density residential land uses. As such, the Future Land Use Committee recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development be approved.

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.*

Minnesota Street, a minor arterial street, is proposed to be extended along the southern boundary of the subject property. The subject property is currently undeveloped. Water and sewer will need to be extended as development occurs. The lift station for this area is currently near capacity. The proposed increase in residential densities could result in an increase in the amount of waste water effluent. Development of the subject property may be delayed until adequate utilities are extended.

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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. The draft Southeast Connector Future Land Use Plan indicates that the subject property is appropriate for Low Density Residential land uses. An application for a Comprehensive Plan Amendment (#07CA027) to change the land use on the subject property to Medium Density Residential with a Planned Residential Development and a Planned Development Designation have been submitted in conjunction with the Rezoning request for the subject property. If the Comprehensive Plan Amendment is approved for the subject property, rezoning the subject property would be consistent with the Comprehensive Plan.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff received several inquiries and objections regarding a previous request for the subject property, including a letter from an adjacent property owner, requesting that the Rezoning from Low Density Residential II District to General Commercial District not be allowed. However, Staff has received inquiries but no objections regarding the proposed request to rezone the subject property from Low Density Residential II District to Medium Density Residential District at the time of this writing.