

STAFF REPORT
October 4, 2004

No. 07RZ066 - Rezoning from General Agriculture District to Low Density Residential District **ITEM 24**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DKEA LLC
REQUEST	No. 07RZ066 - Rezoning from General Agriculture District to Low Density Residential District

EXISTING
LEGAL DESCRIPTION

A portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 13 of Red Rock Meadows Subdivision, common to a point on the southerly boundary of Lot 2 of Block 13 of Red Rock Meadows Subdivision, and the point of beginning; Thence, first course: S00°05'13"W, along the westerly boundary of said Lot 1 of Block 13, a distance of 114.01 feet, to the southwest corner of said Lot 1 of Block 13, common to a point on the northerly edge of right-of-way of Quiment Court; Thence, second course: S00°05'13"W, a distance of 49.00 feet, to the northwesterly corner of Lot 8 of Block 9 of Red Rock Meadows Subdivision, common to a point on the southerly edge of right-of-way of said Quiment Court; Thence, third course: S00°05'13"W, along the westerly boundary of said Lot 8 of Block 9, a distance of 114.00 feet, to the southwest corner of said Lot 8 of Block 9, common to the northwesterly corner of Lot 7 of Block 9 and the northeasterly corner of Lot 6 of Block 9, of Red Rock Meadows Subdivision; Thence, fourth course: N89°53'59"W, along the northerly boundary of said Lot 6 of Block 9, a distance of 164.43 feet, to the northwesterly corner of said Lot 6 of Block 9; Thence fifth course: S07°04'06"W, along the westerly boundary of said Lot 6 of Block 9, a distance of 36.08 feet, to the westerly corner of said Lot 6 of Block 9, common to the northwesterly corner of Lot 5 of Block 9 of Red Rock Meadows Subdivision; Thence sixth course: S06°56'51"W, along the westerly boundary of said Lot 5 of Block 9, a distance of 188.23 feet, to the southwest corner of said Lot 5 of Block 9, common to the northwesterly corner of Lot 4 of Block 9 of Red Rock Meadows Subdivision; Thence seventh course: S44°57'38"E, along the southwest boundary of said Lot 4 of Block 9, a distance of 139.64 feet, to the

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southerly corner of said Lot 4 of Block 9, common the westerly corner of Lot 2 of Block 9 of Red Rock Meadows Subdivision; Thence eighth course: S44°57'38"E, along the southwesterly boundary of said Lot 2 of Block 9, a distance of 30.36 feet, to the northerly corner of Lot 1 of Block 9 of Red Rock Meadows Subdivision, common to a point on the southwesterly boundary of said of Lot 2 of Block 9; Thence ninth course: S44°57'13"W, along the northwesterly boundary of said Lot 1 of Block 9, a distance of 113.99 feet, to the westerly corner of said Lot 1, common to a point on the northeasterly edge of right-of-way of Sahalee Court; Thence tenth course: S45°01'19"W, a distance of 49.00 feet, to the northerly corner of Lot 2 of Block 8 of Red Rock Meadows Subdivision, common to a point on the southwesterly edge of right of way of said Sahalee Court; Thence eleventh course: S45°01'19"W, along the northwesterly boundary of said Lot 2 of Block 8, a distance of 113.95 feet, to the westerly corner of said Lot 2 of Block 8, common to the northerly corner of Lot 1 of Block 8 of Red Rock Meadows Subdivision; Thence twelfth course: S45°01'19"W, along the northwesterly boundary of said Lot 1 of Block 8, a distance of 113.92 feet, to the westerly corner of said Lot 1 of Block 8, common to a point on the northeasterly edge of right-of-way of Seminole Lane; Thence thirteenth course: S45°00'47"W, a distance of 51.95 feet, to the northerly corner of Lot 2 of Block 7 of Red Rock Meadows Subdivision, common to a point on the southwesterly edge of right-of-way of said Seminole Lane; Thence fourteenth course: S45°00'33"W, along the northwesterly boundary of said Lot 2 of Block, 7 a distance of 114.01 feet, to the westerly corner of said Lot 2 of Block 9, common to the northerly corner of Lot 1 of Block 7 and the easterly corner of Lot 3 of Block 7 of Red Rock Meadows Subdivision; Thence fifteenth course: N45°02'25"W, along the northeasterly boundary of said Lot 3 of Block 7, a distance of 85.03 feet, to the northerly corner of said Lot 3 of Block 7, common to the easterly corner of Lot 4 of Block 7 of Red Rock Meadows Subdivision; Thence sixteenth course: N48°53'54"W, along the northeasterly boundary of said Lot 4 of Block 7, a distance of 94.13 feet, to the northerly corner of said Lot 4 of Block 7, common to the easterly corner of Lot 5 of Block 7 of Red Rock Meadows Subdivision; Thence seventh course: N58°07'08"W, along the northeasterly boundary of said Lot 5 of Block 7, a distance of 95.42

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feet, to the northerly corner of said Lot 5 of Block 7, common to the northeasterly corner of Lot 6 of Block 7 of Red Rock Meadows Subdivision; Thence eighteenth course: N67°20'51"W, along the northerly boundary of said Lot 6 of Block 7, a distance of 95.34 feet, to the northwesterly corner of said Lot 6 of Block 7, common to the northeasterly corner of Lot 7 of Block 7 of Red Rock Meadows Subdivision; Thence nineteenth course: N76°39'21"W, along the northerly boundary of said Lot 7 of Block 7, a distance of 95.41 feet, to the northwesterly corner of said Lot 7 of Block 7, common to the northeasterly corner of Lot 8 of Block 7 of Red Rock Meadows Subdivision; Thence twentieth course: N00°35'32"E, a distance of 88.37 feet; Thence twenty-first course: N60°31'13"E, a distance of 187.73 feet; Thence twenty-second course: N55°04'24"E, a distance of 52.27 feet; Thence twenty-third course: N61°16'49"E, a distance of 139.05 feet; Thence twenty-fourth course: N07°39'20"W, a distance of 74.26 feet; Thence twenty-fifth course: N00°04'22"E, a distance of 83.08 feet; Thence twenty-sixth course: N28°49'20"E, a distance of 81.89 feet; Thence twenty-seventh course: N08°37'00"E, a distance of 280.11 feet; Thence twenty-eighth course: S89°55'38"E, a distance of 438.85 feet; Thence twenty-ninth course: S89°52'45"E, a distance of 19.00 feet, to northwesterly corner of said Lot 1 of Block 13, common to a point on the southerly boundary of said Lot 2 of Block 13, and the point of beginning

PARCEL ACREAGE	Approximately 10.264 acres
LOCATION	At the northern terminus of Sahalee Court
EXISTING ZONING	Low Density Residential District - General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District - Suburban Residential District (Pennington County)
South:	Low Density Residential District
East:	General Agriculture District
West:	Low Density Residential District - General Agriculture District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	9/6/2007

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REVIEWED BY

Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be approved.

GENERAL COMMENTS:

The applicant is requesting to rezone 10.264 acres from General Agriculture District to Low Density Residential District. The property is located west of Cog Hill Lane in Red Rock Meadows Subdivision. Currently the property is void of any structural development.

A Layout Plat (#07PL035) of the property was approved by City Council on April 19, 2004. The property was annexed (#04AN008) into the municipal boundaries of the City of Rapid City on August 2, 2004. A preliminary plat application (#07PL117) to plat 33 single family residential lots was approved by Planning Commission on September 20, 2007. The preliminary plat is scheduled for public hearing before City Council on October 1, 2007. In addition an Initial and Final Planned Residential Development (#07PD073) was approved by Planning Commission on September 20, 2007.

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.*

The General Agriculture District has served as a holding zone until such time as the property is developed. As previously stated the applicant has submitted a Preliminary Plat creating 33 single family residential lots. The annexation of the property and the development constitutes the changing condition requiring rezoning of the property. The property is void of construction but is located in a developing residential area. Single family residences are being constructed east of the property. The proposal to rezone the property to Low Density Residential Zoning District is reflective of a continuation of the residential development in the area.

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

The Low Density Residential Zoning District is established for use as single family residential development with low population densities. Additional permitted uses, by review, include related noncommercial, recreational, religious and educational facilities normally required to provide the basis elements of a balanced and attractive residential area. The property is located adjacent to property currently zoned Low Density Residential District. A water reservoir is being constructed on property located east of the property. The water reservoir will serve this phase of the Red Rock Meadows development. Staff has noted that sewer and water are within the area and will be extended to the property within the near future. Staff also noted that the rezoning request is consistent with the

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master plan for Red Rock Meadows Subdivision and would appear to be consistent with the intent and purpose 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 property is located adjacent to Low Density Residential Zoning Districts. As noted water and sewer will be available to the property within the near future. Adequate storm water detention will be provided at the time of development of the property. It is important for cities to classify areas of the city as appropriate for residential use. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from General Agriculture 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 Future Land Use Plan indicates that the subject property is appropriate for Low Density Residential land uses. Staff has noted that the rezoning request is consistent and does not conflict with the Major Street Plan.

LEGAL NOTIFICATION:

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 October 4, 2007 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.