

STAFF REPORT
October 4, 2007

No. 07RZ067 - Rezoning from General Agriculture to Low Density Residential

ITEM 20

GENERAL INFORMATION:

APPLICANT	Signature Development
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Arlene Ham
REQUEST	No. 07RZ067 - Rezoning from General Agriculture District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	<p>A portion of the SW1/4 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the center-west-southeast 1/64 section corner of Section 22, T1N, R7E, BHM, common with the southwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning; Thence, first course: N26°45'22"W, a distance of 393.31 feet; Thence, second course: N61°38'29"E, a distance of 200.00 feet, to the northwesterly corner of Lot 4 of Block 2 of The Villaggio at Golden Eagle common to the southwesterly corner of Lot 5 of Block 2, of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 4 of Block 2, a distance of 94.58 feet, to the southwest corner of said Lot 4 of Block 2, common with the northwest corner of Lot 3 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 3 of Block 2, a distance of 95.35 feet, to the southwest corner of said Lot 3 of Block 2, common with the northwest corner of Lot 2 of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S00°08'13"E, along the westerly boundary of said Lot 2 of Block 2, a distance of 110.67 feet, to the southwest corner of said Lot 2 of Block 2, common with the northwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S00°08'13"E, along the westerly boundary of said Lot 1 of Block 2, a distance of 145.60 feet, to the southwest corner of said Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning</p>

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PARCEL ACREAGE	Approximately 0.903
LOCATION	5617 Villaggio Lane
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/6/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan and the Planned Development Designation.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the property from General Agriculture District to Low Density Residential District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Future Land Use Plan (File #07CA044) to change the land use designation from a Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of four dwelling units per acre. In addition, the applicant has submitted a Planned Development Designation application (File #07PD078) for the property.

The property is located north of Golden Eagle Drive, directly west of the Villaggio at Golden Eagle residential development. Currently, the property is void of any structural development. The applicant has indicated that the property is being rezoned as identified in order to expand four of the lots located within the Villaggio at Golden Eagle to create more desirable building envelopes.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

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The property, as well as the properties located north, south and west of this site, are currently zoned General Agriculture District which has served as a holding zone. In 2006, the City Council approved a Rezoning request to rezone the Villaggio at Golden Eagle residential development, located directly east of the property, from General Agriculture District to Low Density Residential District in conjunction with an Initial and Final Residential Development Plan. The extension of municipal services to the area and the extension of Golden Eagle Drive from Catron Boulevard to the property have changed conditions in the area to support the proposed rezoning request. It is anticipated that this area will continue to grow and develop and constitutes a change in conditions requiring rezoning of the property from General Agriculture District to Low Density Residential Zoning District.

- 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. As noted above, the property located east of the site, is currently zoned Low Density Residential District with a Planned Residential Development. Rezoning this property will allow for the extension of Low Density Residential Development into an area that has recently experienced the extension of municipal services. With the approval of the associated Planned Development Designation application, an Initial and Final Residential Development Plan must, subsequently, be approved prior to issuance of a building permit. The Initial and Final Residential Development Plan will serve as a tool to address concerns specific to the property and to mitigate any potential negative impacts the low density residential use may have on the adjacent properties. The proposed zoning appears to be consistent with the intent and purposes of the Zoning 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 amendment.*

Development issues, including drainage, access, landscape buffers, utilities, and any other issues, will be addressed as a part of the Planned Residential Development Review. In addition, the development of the Villaggio at Golden Eagle has resulted in the extension of City water to this area. A lift station is also being constructed to provide sewer service to the area. Golden Eagle Drive, a collector street, has been extended north from Catron Boulevard to serve this area. Staff has not identified any significant adverse affects that would result by rezoning the property from General Agriculture District to Low Density Residential District if adequate infrastructure is extended in conjunction with the development of the property.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The Comprehensive Land Use Plan identifies this area as appropriate for a Planned Residential Development with a maximum density of one dwelling unit per acre. An

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application for a Comprehensive Plan Amendment to change the land use on the subject property to a Planned Residential Development with a maximum density of four dwelling units per acre has been submitted in conjunction with the Rezoning request for the property. If the Comprehensive Plan Amendment is approved, the proposed rezoning would be consistent with the adopted plans.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the October 4, 2007 Planning Commission meeting if these requirements have not been met.