

STAFF REPORT

July 24, 2008

No. 08RZ012 - Rezoning from General Agriculture District to Low Density Residential District

ITEM 16

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	No. 08RZ012 - Rezoning from General Agriculture District to Low Density Residential District

EXISTING

LEGAL DESCRIPTION

A portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S00°07'40"W, a distance of 25.77 feet, to the northwesterly corner of Block 12 of Big Sky Subdivision; Thence, second course: S00°07'40"W, along the westerly boundary of said Block 12, a distance of 144.58 feet; Thence, third course: S71°37'02"W, along the westerly boundary of said Block 12, common to the easterly boundary of said Tract A, a distance of 14.49 feet; Thence, fourth course: S40°22'12"E, along the westerly boundary of said Block 12, a distance of 920.50 feet; Thence, fifth course: S18°55'40"E, along the westerly boundary of said Block 12, a distance of 55.05 feet; Thence, sixth course: S22°39'24"E, along the westerly boundary of said Block 12, a distance of 54.51 feet; Thence, seventh course: S05°44'23"E, along the westerly boundary of said Block 12, a distance of 47.63 feet; Thence, eighth course: N89°57'36"E, along the westerly boundary of said Block 12, a distance of 92.82 feet, to the northwesterly corner of Lot 1 of Block 10 of Big Sky Subdivision; Thence, ninth course: S00°00'05"W, along the westerly boundary of said Lot 1 of Block 10, a distance of 115.16 feet, to the southwesterly corner of said Lot 1 of Block 10; Thence, tenth course: S00°00'05"W, a distance of 52.00 feet, to the northwesterly corner Lot 1 of Block 9 of Big Sky Subdivision; Thence, eleventh course: S00°00'05"W, along the westerly boundary of said Lot 1 of Block 9, a distance of 134.71 feet, to a point on the southwesterly corner of said Lot 1 of Block 9; Thence, twelfth course: N89°47'43"W, along the northerly boundary of Lot 31 of Degeest Subdivision, a distance of 252.04 feet, to the northwesterly corner of said Lot 31 of Degeest

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Subdivision; Thence, thirteenth course: N89°47'43"W, a distance of 63.00 feet, to the northeasterly boundary of Block 1 of Mack Subdivision; Thence, fourteenth course: N89°47'43"W, along the northerly boundary of said Block 1 of Mack Subdivision, a distance of 399.97 feet, to the northwesterly corner of said Block 1 of Mack Subdivision; Thence, fifteenth course: N00°12'35"E, a distance of 631.94 feet, to the northeasterly corner Block 1 of Neff's Subdivision No. 2; Thence, sixteenth course: N89°52'44"W, along the northerly boundary of said Block 1 said Neff's Subdivision No. 4, a distance of 468.56 feet, to the northwesterly corner of said Block 1 of Neff's Subdivision No. 2; Thence, seventeenth course: S89°55'24"W, a distance of 30.00 feet; Thence, eighteenth course: N00°04'43"E, a distance of 8.38 feet; Thence, nineteenth course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, twentieth course: N20°15'16"W, a distance of 5.25 feet; Thence, twenty-first course: N69°44'43"E, a distance of 50.69 feet; Thence twenty-second course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, twenty-third course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, twenty-fourth course: N00°06'38"E, along the section 1/16th line, a distance of 537.65 feet, to the section 1/16th corner, common to a point on the northerly boundary of said Tract A; Thence, twenty-fifth course: S89°48'43"E, along the northerly boundary of said Tract A, a distance of 226.22 feet, to the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning

PARCEL ACREAGE

Approximately 15.657 acres

LOCATION

Southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road

EXISTING ZONING

General Agriculture District

SURROUNDING ZONING

North:

Office Commercial District (Planned Development Designation) - Medium Density Residential District

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	(Planned Residential Development)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)

PUBLIC UTILITIES	City and Rapid Valley Sanitary District Water/Sewer
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DATE OF APPLICATION	3/28/2008
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REVIEWED BY	Jared Ball / Mary Bosworth
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RECOMMENDATION:

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

GENERAL COMMENTS:

(Update, July 15, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City. The applicant has subsequently requested that the associated Preliminary Plat be reviewed and approved in three phases to allow them to address the specific utility service area and capacity issues for each phase of the development.

The applicant has submitted a request to rezone 15.657 acres from General Agricultural District to Low Density Residential District. This undeveloped property is located west Degeest Drive, east of Sweetbriar Street and south of Big Sky Drive. The properties to the north are currently zoned Office Commercial with a Planned Development Designation and Medium Density Residential District with a Planned Residential Development. The properties to the south, east and west are currently zoned Suburban Residential District in Pennington County.

An associated Comprehensive Plan Amendment (#08CA014) to change the Future Land Use designation from Office Commercial with a Planned Commercial Development to Low Density Residential District and a Preliminary Plat (#08PL030) have been filed in conjunction with this request.

STAFF REVIEW:

On April 1, 2008, staff met with the applicant to discuss the proposed design and service boundaries of the sanitary sewer system for the development since the southern portion of the property is located within the Rapid Valley Sanitary District service area and the northern portion of the property is located within the City of Rapid City's service area. Staff is recommending that the Preliminary Plat be continued to the May 8, 2008 Planning Commission meeting with the applicant's concurrence to allow the service area issue to be addressed. Staff is also recommending that this item be continued to the May 8, 2008 Planning Commission meeting to allow it to be heard in conjunction with the associated Preliminary Plat.

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On July 10, 2008 The Rapid City Planning Commission approved the Phase One Preliminary Plat (File #08PL030). The applicant has demonstrated that an adequate sanitary sewer system to serve the property will be provided through the platting process.

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments established in Section 17.54.040 (D) (1). 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.*

Six properties in the Homestead Plaza Subdivision are involved in the proposed Comprehensive Plan Amendments and Rezones. The applicant is requesting to change the zoning designations and Comprehensive Plan designations on all six of the properties. The future extension of Homestead Street and Neal Street along with the continued growth and development in the area constitutes the changing condition that necessitates the proposed rezoning.

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

The purpose of the zoning ordinance is to promote the safety, health, morals, convenience and general welfare; to encourage the use of lands and natural resources in the city in accordance with their character, adaptability and suitability for particular purposes; to conserve social and economic stability, property values, and the general character and trend of community development; to prevent excessive concentration of population; to lessen congestion of streets and highways, sewerage and drainage, water supply and distribution, educational, and other public resources. The proposed rezoning request meets these standards and is in compliance with the purpose 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.*

The development of Elk Vale Road and the surrounding development has resulted in the extension of City water to this area. Homestead Street and Neal Street will be extended to serve the needed road infrastructure in the Homestead Plaza Subdivision. As such, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties 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 Major Street Plan identifies Homestead Street and Neel Street as collector streets.

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Allowing commercial and residential use(s) along a collector street is in compliance with the Major Street Plan. The applicant has demonstrated that an adequate sanitary sewer system to serve the property will be provided through the platting process that will include Phases Two and Three. In addition, the Planned Development review will serve as another tool to address concerns specific to the property. Upon approval of the associated Comprehensive Plan Amendment request, the Rezoning request will be in compliance with the Long Range Future Land Use Plan.

Notification:

As of this writing, the required sign has been posted on the property, and the receipts from the certified mailing have been returned. Staff has received some inquiries, but no objections regarding the proposed request at the time of this writing.