

STAFF REPORT  
December 4, 2008

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**No. 08RZ034 - Rezoning from General Agriculture District to Low  
Density Residential District**

**ITEM 13**

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GENERAL INFORMATION:

APPLICANT	Roy Burr
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Arlene Ham
REQUEST	<b>No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	A portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ , Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ , Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning
PROPOSED LEGAL DESCRIPTION	Lot 8 of Block 2 of Villaggio at Golden Eagle, located in a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ , Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South

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---

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	Dakota
PARCEL ACREAGE	Approximately 3.715 acres
LOCATION	North of Catron Boulevard and west of Golden Eagle Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District - General Agriculture District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Jared Ball / Ted Johnson/ <b>Vicki L. Fisher</b>

RECOMMENDATION:

Staff recommends that the Rezoning request from General Agriculture District to Low Density Residential District be **approved with the following stipulation:**

- 1. Prior to City Council approval, a Planned Development Designation shall be approved.**

GENERAL COMMENTS:

**(Update, November 24, 2008. All revised and/or added text is shown in bold print.)**  
This item has been continued several times to be heard in conjunction with the associated Initial and Final Residential Development Plan and the associated Preliminary Plat.

On November 24, 2008, the applicant submitted a revised plat document showing proposed Lot 8 as a flagpole lot abutting Villaggio Lane for a distance of 25 feet. As a result of reconfiguring the lot as identified, the applicant has indicated that a new Initial and Final Residential Development Plan will be submitted for review and approval with a revised legal description. As such, the applicant has submitted a Planned Development Designation request which includes the flagpole area to ensure that zoning the property as requested is in compliance with the adopted Future Land Use Plan. The applicant should be aware that before a building permit can be issued for the property, an Initial and Final Residential Development Plan must be approved.

STAFF REPORT  
December 4, 2008

---

**No. 08RZ034 - Rezoning from General Agriculture District to Low Density Residential District**      **ITEM 13**

---

(Update: October 27, 2008. All revised and/or added text is shown in bold.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to revise the legal description and to be heard in conjunction with the associated Preliminary Plat.

On October 10, 2008, staff met with the applicant to discuss revising the associated Preliminary Plat (#08PL113). As a result of that meeting, the Preliminary Plat boundaries have been revised. The applicant has subsequently submitted a revised metes and bounds description for this rezoning application and the associated Initial and Final Planned Development application which reflects the revised boundary of the preliminary plat. The applicant is required to send out new letters reflecting the revised legal description.

(Update: October 27, 2008) The applicant has met the legal notification requirements which include the revised legal description.

The property is located at 5617 Villaggio Lane; the site is north of Catron Boulevard and west of Golden Eagle Drive. The property is currently zoned General Agricultural District. The property to the north is currently zoned Low Density Residential District. The property to the south is currently zoned General Agricultural District. The property to the east is currently zoned Low Density Residential District with a Planned Residential Development. The properties to the west are currently zoned Low Density Residential District and General Agricultural District. The applicant is proposing to rezone the property from General Agricultural District to Low Density Residential District.

An associated Planned Residential Development (#08PD051) and Preliminary Plat (#08PL 113) have been submitted in conjunction with this request.

**STAFF REVIEW:**

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.*

The property is currently zoned General Agricultural District. The General Agriculture District is a holding zone retained until urbanization is appropriate. The platting of the property into lots and 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 Low Density Residential Zoning District, as stated in the Zoning Ordinance, is to be used for single family residential development with low population densities. The proposed use is for a single family residence and two storage sheds located on the property. This is consistent with the intent and purpose of the Low Density Residential Zoning District.

STAFF REPORT  
December 4, 2008

---

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---

Rezoning the property from General Agricultural 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 amendment.*

The development of Villaggio Lane, Golden Eagle Drive and the surrounding development has resulted in the extension of City water and sewer to this area. Rezoning the property to Low Density Residential District with a Planned Residential Development will limit the number of residential dwellings that could potentially be constructed on the site. By rezoning the property to Low Density Residential and designating the property as a Planned Residential Development, the possible negative impacts of future development to this part of the city will be greatly reduced. As such, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties. Staff is not aware of any significant adverse effects that would result from rezoning the property from General Agricultural District to Low Density Residential District.

- 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 Catron Boulevard as a Principal Arterial Street and Golden Eagle Drive as a proposed Collector Street. The proposed development appears to be in compliance with the Major Street Plan. In addition, the rezoning of the property from General Agricultural District to Low Density Residential District will be in compliance with the U.S. Highway 16 Future Land Use Plan. The City's adopted Land Use Plan identifies the appropriate use for the property as a Planned Residential Development with a maximum density of one dwelling unit per acre. As such, the proposed rezoning appears to be consistent with and not in conflict with the development plan of Rapid City.

Notification:

The required sign has been posted on the property and the receipts from the certified mailings have been returned. Staff has received one call of inquiry regarding this proposal.

Staff recommends that the Rezoning from General Agricultural District to Low Density Residential District be **approved with the stipulation that the associated Planned Development Designation be approved prior to City Council approval.**