

STAFF REPORT
July 26, 2012

No. 12RZ013 - Rezoning from General Agriculture District to Park Forest District **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Cathy Koch - Cathy J. Koch Living Trust
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Cathy J. Koch Living Trust
REQUEST	No. 12RZ013 - Rezoning from General Agriculture District to Park Forest District
EXISTING LEGAL DESCRIPTION	That portion of Lot 1 of Lot C of the NW1/4 of Section 14, T1N, R7E lying north of Thompson Tower Subdivision, less right-of-way, less Lots A and B, and less Lot 1 of Thompson Tower Subdivision all located in BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.17 acres
LOCATION	3500 Tower Road
EXISTING ZONING	General Agriculture District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (Planned Development)
East:	Park Forest District
West:	General Agriculture District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	June 18, 2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Park Forest District be approved.

GENERAL COMMENTS: The applicant has submitted a Rezoning request to rezone approximately 5.17 acres of property from General Agriculture District to Park Forest District. In May of 2012, a Preliminary Subdivision Plan was approved to create Lots 1 and 2 of the

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Bauer Subdivision (File #12PL015) on this property. One of the stipulations of approval of the Preliminary Subdivision Plan requires that prior to submittal of Development Engineering Plans, the applicant must obtain a Variance to allow a 5.19 acre lot in a General Agriculture District in lieu of the minimum 20 acre lot, or the proposed Lot 1 must be rezoned from General Agriculture District to Park Forest District. This Rezoning request is for proposed Lot 1 of the Preliminary Subdivision plan.

The property is located immediately east of Tower Road, approximately 1,600 feet north of the intersection of Tower Road and Skyline Drive. Currently, the property is developed with a single family residence.

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 district affected, or the City in general.*

The property is located at 3500 Tower Road, approximately 1,600 feet north of the intersection of Skyline Drive and Tower Road. Property adjacent to the southeast is part of the U.S. Highway 16 right-of-way. Property to the north, south and west is zoned General Agriculture District. Property adjacent to the east is zoned Park Forest District. Tower Road and Skyline Drive to the west are both classified as collectors on the City's Major Street Plan. U.S. Highway 16 is classified as a principal arterial on the City's Major Street Plan. The area is developed primarily as single-family homes. There are no substantially changing conditions in the area.

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

The Park Forest District is intended to provide the city with an area to be preserved for its natural beauty and open character. Detached, single-family dwellings are a permitted use in the Park Forest District. It should be noted that a minimum 3 acre lot is required for property zoned Park Forest District. The General Agriculture District is intended to provide for land situated on the fringe of an urban area that is used for agricultural purposes, but that will be undergoing urbanization in the future. The types of uses, area and intensity of uses authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. The General Agriculture District requires a minimum 20 acre lot for each dwelling and building accessory to the dwelling. The property is approximately 5.19 acres. As such, it does not meet the minimum lot size requirement of the General Agriculture District. The proposed zoning is consistent with the intent and purpose of the 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.*

Property adjacent to the north, west, and south of this property is zoned General

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Agriculture District. Property adjacent to the east is zoned Park Forest District. Property approximately 600 feet to the west is zoned Park Forest District. The property is part of the Skyline Drive neighborhood, which is comprised of forested land with steep topographies. Due to these constraints, development of property in this area is generally comprised of single-family residences on large lots. Rezoning the property to Park Forest District will serve to preserve the nature of existing development in the area as well as the existing character of the land. The proposed Rezoning will not adversely affect any other portion of the City.

- 4. The proposed amendment 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.*

Please note that the Rapid City Fire Department has requested that the applicant consider a review of the property to mitigate any wild land fuels that may be a threat to the existing structure. The property is near the intersection of two collector streets on the City's Major Street Plan. The Future Land Use designation for the property is residential. The proposed Rezoning does not conflict with the development plan for Rapid City. As such, staff recommends that the proposed Rezoning from General Agriculture District to Park Forest District be approved.

Notification Requirements: The required sign has been posted on the property. As of this writing, the green cards and white receipts providing proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the July 26, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into this request.