

STAFF REPORT
June 20, 2013

No. 13RZ014 - Rezoning from General Agricultural District to Medium Density Residential District **ITEM 12**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Yasmeen Dream LLC
REQUEST	No. 13RZ014 - Rezoning from General Agricultural District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SE1/4, Section 9, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4, thence, S 00°21'28" W, a distance of 214.98' to a point on the easterly boundary of said Tract A, and the point of beginning. Thence, first course: S 89°53'48" E a distance of 113.90', Thence, second course: S 89°53'48" E a distance of 620.00'; Thence, third course: S 00°00'00" E a distance of 784.32'; Thence, fourth course: N 90°00'00" W a distance of 620'; Thence, fifth course: N 00°00'00" E, a distance of 785.44'; Thence, sixth course N 89°53'48" W, a distance of 113.90', to the said point of beginning.
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately 13.27 acres
LOCATION	South of S.D. Highway 44 and east of Elk Vale Road
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Public
SURROUNDING ZONING	
North:	General Agricultural District
South:	General Agricultural District
East:	General Agricultural District
West:	General Agricultural District
PUBLIC UTILITIES	Rapid Valley Sanitary District

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DATE OF APPLICATION May 24, 2013
REVIEWED BY Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the rezoning request from General Agricultural District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS:

The applicant has submitted a rezoning request to change the zoning designation of the above legally described property from General Agriculture District to Medium Density Residential District. In addition, the applicant has also submitted an Amendment to the Comprehensive Plan (File #13CA009) to change the future land use designation from Public to Residential. The project is to be known as Orchard Meadows and will be developed in five phases.

The applicant has also submitted an associated Preliminary Subdivision Plan application for phase one, and Comprehensive Plan Amendment applications and Rezoning applications to change the Future Land Use Plan and existing zoning to comply with the proposed Master Plan of the entire property. (See associated Files 13PL049, 13CA008, 13RZ013, and 13RZ015).

The property contains approximately 11.171 acres and is located on the south side of S.D. Highway 44, east of Elk Vale Road. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed this proposed rezoning request 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 generally.*

Currently, it does not appear that there are any substantially changing conditions in the area.

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

The Rapid City Municipal Code states that the Medium Density Residential District is established to provide for medium to high population density. The property is located near S.D. Highway 44 and Elk Vale Road, both of which are classified as principal arterial streets on the City's Major Street Plan. The applicant has also submitted an Amendment to the Comprehensive Plan to change the future land use designation from Public to Residential. The applicant should be aware that two or more principal structures on one lot will require the review and approval of a Final Planned

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Development Overlay. It appears that the rezoning request is consistent with the intent and 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 an amendment.*

The currently undeveloped property is within the Rapid Valley Sanitary District, and no utilities exist on the site. The applicant has met with staff to discuss platting, infrastructure improvements and capacity issues that must be addressed in order to serve future development. The property is located near S.D. Highway 44 and Elk Vale Road, both of which are classified as principal arterial streets on the City's Major Street Plan. The proposed amendment would not appear to result in any significant detrimental effects on the adjacent transportation and services network, assuming future development is in compliance with the Infrastructure Design Criteria Manual and meets with the approval of Rapid Valley Sanitary District and the South Dakota Department of Transportation.

- 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 applicant has also submitted an Amendment to the Comprehensive Plan to change the future land use designation from Public to Residential. One of the goals of the Future Land Use Plan is to encourage compact and contiguous growth along the City's fringe that is linked to both the levels of demand in the market and to the orderly extension and efficient use of public improvements, infrastructure and services. The applicant has met with staff to discuss platting, infrastructure improvements and capacity issues that must be addressed in order to serve future development. If the associated Comprehensive Plan Amendment is approved, then rezoning the subject property from General Agriculture District to Medium Density Residential District will be consistent with the adopted Comprehensive Plan.

Summary: The rezoning request is in compliance with the four criteria for review of Zoning Map amendments established in Section 17.54.040(D)(1) of the Rapid City Municipal Code. As such, staff recommends that the rezoning request from General Agriculture District to Medium Density Residential District be approved.

Notification: The first class mailings have not been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the June 20, 2013 Planning Commission meeting if these requirements have not been met.