

STAFF REPORT
June 20, 2013

No. 13RZ015 - Rezoning from General Agricultural District to Low Density Residential District **ITEM 10**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Yasmeen Dream LLC
REQUEST	No. 13RZ015 - Rezoning from General Agricultural District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	<p>A portion of the W1/2 of the SE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the E1/16th corner, common to Sections 9 and 16, T1N, R8E, BHM, and the point of beginning. Thence, first course: N 89°58'30" W, along the Section line common to said Sections 9 and 16, a distance of 345.13', to the easterly most corner of Lot H1 of W1/2 SE1/4; Thence, second course: N 52°21'37" W, along the northerly boundary of said Lot H1, a distance of 52.29'; Thence, third course: N 80°17'33" W, along the northerly boundary of said Lot H1, a distance of 88.04'; Thence, fourth course N 65°53'11" W, along the northerly boundary of said Lot H1, a distance of 33.25'; Thence, fifth course: N 40°12'59" W, along the northerly boundary of said Lot H1, a distance of 55.98'; Thence, sixth course: N 26°43'45" W, along the northerly boundary of said Lot H1, a distance of 85.86'; Thence, seventh course: N 41°35'51" W, along the northerly boundary of said Lot H1, a distance of 30.81'; Thence, eighth course: N 60°06'38" W, along the northerly boundary of said Lot H1, a distance of 40.41'; Thence, ninth course: N 04°34'19" W, a distance of 342.02'; Thence, tenth course: N 00°00'00" E, a distance of 600.00'; Thence, eleventh course: N 90°00'00" W, a distance of 152.00'; Thence, twelfth course: N 00°00'00" E, a distance of 99.00'; Thence, thirteenth course: N 90°00'00" W, a distance of 176.00'; Thence, fourteenth course: N 01°01'01" E, a distance of 169.03'; Thence, fifteenth course: N 90°00'00" E a distance of 516.00'; Thence, sixteenth course: N 00°00'00" W a distance of 784.32'; Thence, seventeenth course: S 89°53'48" E a distance of 474.18', to a point on the easterly north-south section 1/16th line,; Thence, eighteenth course: S 00°06'12" W, along the said section 1/16th line, a distance of 2215.53',</p>

STAFF REPORT
June 20, 2013

No. 13RZ015 - Rezoning from General Agricultural District to Low Density Residential District **ITEM 10**

	to the said point of beginning.
PARCEL ACREAGE	Approximatley 44.88 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 - Planned Development
East:	General Agricultural District (Pennington County)
West:	General Agricultural District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	May 24, 2013
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the rezoning request from General Agricultural District to Low 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 Low Density Residential District. In addition, the applicant has submitted an Amendment to the Comprehensive Plan (File #13CA008) 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, 13CA009, 13RZ013, and 13RZ014).

The property 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

STAFF REPORT
June 20, 2013

No. 13RZ015 - Rezoning from General Agricultural District to Low Density Residential District **ITEM 10**

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 Low Density Residential District is established to be used for single-family residential development with low population densities. 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. 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 Low Density Residential District will be consistent with the adopted Comprehensive Plan.

STAFF REPORT
June 20, 2013

No. 13RZ015 - Rezoning from General Agricultural District to Low Density Residential District **ITEM 10**

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 Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

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.