

# STAFF REPORT

March 8, 2001

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**No. 01RZ003 - Rezoning from General Agriculture District to Park Forest District**      **ITEM 10**

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GENERAL INFORMATION:

PETITIONER	Fisk Engineering for Ken Berglund
REQUEST	<b>No. 01RZ003 - Rezoning from General Agriculture District to Park Forest District</b>
LEGAL DESCRIPTION	The north 825 feet of the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 25 Acres
LOCATION	5501 Berglund Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District
East:	Business Park District
West:	General Agriculture District
PUBLIC UTILITIES	Well and septic system
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Park Forest District be **continued to the April 5, 2001 Planning Commission meeting to allow the petitioner time to submit a Planned Development Designation or Planned Residential Development request.**

GENERAL COMMENTS: The applicant has submitted this request to rezone a 25 acre parcel of land from General Agriculture District to Park Forest District. This property is located approximately 1000 feet west of US Highway 16 and 3800 feet north of the intersection of Catron Boulevard and US Highway 16. Currently, three residences are located on this one tract of land making it a legal nonconforming property. The applicant has noted that a plat subdividing this property into four lots will be submitted after this rezoning request has been approved.

STAFF REVIEW: Staff has reviewed this 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:

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*1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

The U.S. Highway 16 South corridor has been changing in recent years as a result of the construction of Catron Boulevard and the extension of City services along U.S. Highway 16. The Future Land Use Plan for this area identifies that it is appropriate for development as Low Density Residential with a Planned Residential Development overlay and a Planned Residential Development with a maximum density of one dwelling unit per acre.

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

The General Agriculture District is a holding zone intended to be utilized until the land in question is appropriate for rezoning and development. As a result of the extension of services to this area and the increase in development in this area, it would appear to be appropriate to rezone the property to a zoning district that will facilitate more dense development. Staff believes that rezoning this property 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.*

This rezoning and the subsequent platting will bring a currently legal nonconforming property into compliance with the zoning ordinance. The properties to the west, south and north are zoned Park Forest and General Agriculture District. The property to the east is the location of Sodak Gaming, Inc and is zoned Business Park District. Approval of this rezoning in conjunction with a Planned Development Designation or a Planned Residential Development will mitigate potential conflicts with the adjacent industrial zoning district. Further, issues of soil stability, storm drainage, existing septic systems, wildfire hazards and access can be mitigated.

*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 Southwest Connector Neighborhood Area Future Land Use Plan identifies the west portion of this property as a Planned Residential District with a maximum density of one dwelling unit per acre and the east portion of this property as Low Density Residential with a Planned Residential Development overlay. This request represents a density of one dwelling unit per 3 acres which is less than identified in the Southwest Connector Neighborhood Area Future Land Use Plan. With the approval of a Planned Development Designation or a Planned Residential Development the proposed rezoning would be consistent with the Future Land Use Plan.

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The property is located in a high, wildland fire hazard area. The Fire Department has noted that a wildfire vegetation management plan must be submitted with the plat request. This plan must include a copy of the site plan, methods and timetables for the removal of slash, snags, ground fuels, dead trees and the thinning of live trees, and a plan for maintaining the proposed fuel reduction measures.

The petitioner has returned documentation of the certified mailing and the required rezoning sign has been posted on the property. Staff has not received any objections or inquiries regarding this request.