

STAFF REPORT

April 10, 2008

**No. 08RZ003 - Rezoning from Low Density Residential District to
Medium Density Residential District**

ITEM 26

GENERAL INFORMATION:

APPLICANT	Signature Homes, LLC
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Freeland Meadows, LLC
REQUEST	No. 08RZ003 - Rezoning from Low Density Residential to Medium Density Residential
EXISTING LEGAL DESCRIPTION	<p>A portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines</p>

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Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning

PARCEL ACREAGE	Approximately 40.76 acres
LOCATION	North of Country Road, east of Cobalt Avenue and west of 143rd
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Low Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	To be Extended
DATE OF APPLICATION	1/11/2008
REVIEWED BY	Jonathan Smith / Ted Johnson / Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to Medium Density Residential District be approved.

GENERAL COMMENTS:

(Update: April 1, 2008. All revised and/or added text is shown in bold). The applicant has requested that this item be heard in conjunction with the associated Layout Plat (#07PL180). Staff has noted that issues related to the Layout Plat have been resolved. Staff recommends the request to rezone the property from Low Density Residential District to Medium Density Residential District be approved.

(Update March 17, 2008. All revised and/or added text is shown in bold). This item was continued at the March 6, 2008 Planning Commission meeting. The applicant has requested that this item be continued to the April 10, 2008 Planning Commission meeting to be heard in conjunction with the associated Comprehensive Plan Amendment (#08CA002) and the associated Layout Plat (#07PL180).

(Update February 25, 2008. All revised text and/ or added is shown in bold). This item was continued at the February 21, 2008 Planning Commission meeting. The applicant has requested that this item be continued to the March 27, 2008 Planning Commission meeting

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to be heard in conjunction with the associated Comprehensive Plan Amendment (#08CA002) and the associated Layout Plat (#07PL180).

(Update February 12, 2008. All revised text is shown in bold). On February 8, 2008, the applicant submitted preliminary water and sewer information for review and approval. An Exception request to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system was also submitted. In addition, a water analysis was submitted to be reviewed in conjunction with the Exception to the water service system. Staff has routed and is currently reviewing the recently submitted information.

The applicant has requested that this item be continued to the March 6, 2008 Planning Commission meeting to be heard in conjunction with the associated Comprehensive Plan Amendment (#08CA001) and the associated Layout Plat (#07PL180).

The applicant has submitted a request to rezone 40.76 acres from Low Density Residential to Medium Density Residential District with a Planned Residential Development. An associated Comprehensive Plan Amendment request (#08CA002) to change the Future Land Use designation from Low Density Residential District to Medium Density Residential District with a Planned Residential Development has been filed in conjunction with this request. The property is located north of Country Road, east of Cobalt Avenue and west of 143rd Street. The property was annexed (#05AN001) into the municipal boundaries of Rapid City on June 6, 2005. The property was rezoned from No Use District to Low Density Residential District (#05RZ008) on June 6, 2005. Property to the north is zoned Limited Agriculture District by Pennington County. Property located to the south and west is zoned Low Density Residential District. Property located to the east is zoned Medium Density Residential District.

On June 6, 2005, the City Council approved a Layout Plat (#05PL022) to subdivide the property into 425 residential lots, to be known as "Freeland Meadows Subdivision. On July 5, 2005, the City Council approved a Variance to the Subdivision Regulations (#05SV012) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and W. Nike Road with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. The waiver of right to protest document has been signed and recorded at the Register of Deed's Office.

A revised Layout Plat (#07PL180) identifying the property as "Prairie Meadows Subdivision" to subdivide a 146.8 acre parcel into 273 lots has yet to be approved by Planning Commission as of this writing. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan (#07CA062) to relocate LaCrosse Street as it extends through the area.

Currently, the property is void of any structural development. The property is zoned Low Density Residential.

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STAFF REVIEW:

Rezoning the property from Low Density Residential District to Medium Density Residential District will result in an increase in density. Staff has noted that adequate water and sewer service must be provided to this proposed residential development to avoid potential adverse effects to the property and the surrounding area. A majority of the property, or that portion located below 3,300 feet, is located within the low level pressure water service area. Currently, the low level pressure water system has not been extended into this area. The high level pressure water system is located west of the property. However, due to the elevation of this property, pressure reducing valves must be utilized in order to serve the property from the high pressure water service system. In addition, an Exception must be obtained to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system. Until an Exception is granted and the applicant demonstrates that there is capacity within the proposed water distribution system, it is unclear how water service will be provided to the development.

Due to the elevation of this portion of the property, it is unclear how this area of the property will obtain sanitary sewer service. As such, initial information must be submitted for review and approval documenting that sanitary sewer can be provided.

This request and the associated (#08CA002) Comprehensive Plan Amendment were reviewed by the Future Land Use Committee on January 31, 2008. The Future Land Use Committee noted that this may be an appropriate land use if adequate utilities and access are provided.

Staff recommends that this item be continued to the February 21, 2008 Planning Commission meeting to allow the applicant time to submit additional water and sewer service information.

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 districts affected or in the City in general.*

The property has been annexed into the City limits and was rezoned to Low Density Residential District in 2005. Staff is unaware of any significant changes to the property since the rezoning to Low Density Residential District in 2005. The proposal to rezone the property to Medium Density Residential District is reflective of residential development proposed for this area.

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

The Medium Density Residential District is intended for medium to high residential densities ranging from apartment complexes to single family residences. The property is located within an area that is currently undeveloped. The property also abuts Country Road, a

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principal arterial street, and West Nike Road, a proposed minor arterial street. The proximity of arterial streets and areas of multi-family residential are more compatible than areas that do not have sufficient transportation access for such population densities. Staff finds that the applicant's 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 associated Layout Plat (#07PL180) identifies that the property will be part of a proposed subdivision known as "Prairie Meadows" which includes 263 single-family residential lots, and additional multi-family residential lots located on the eastern and western portion of the proposed subdivision. Approximately 14 of the proposed single-family lots abut the property requesting the rezoning. As noted, a Planned Development Designation has been placed on the property. The Planned Development will allow staff to address proper buffering between the single-family residential use, and the multi-family residential uses.

Staff has indicated that the proposed multi-family residential development has the potential to cause adverse affects in regards to increased traffic flow on West Nike Road and County Road.

The City Council has noted in the past that adequate water and sewer must be provided to justify the rezoning of property. Of particular concern is the water supply to this development. The consultant is currently completing a water system analysis to determine if water can be provided to the proposed development. The results of the analysis will determine any adverse affects this rezone will have on the existing water system.

- 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 proposed rezoning to Medium Density Residential District currently conflicts with the Adopted Comprehensive Plan, which identifies this area as appropriate for a Low Density Residential with a Planned Commercial Development. A Comprehensive Plan Amendment (#08CA002) to change the future land use designation from Agriculture to Low Density Residential has been filed in conjunction with this rezoning request. If the requested Comprehensive Plan Amendments is approved, the proposed rezoning will be consistent with the adopted Comprehensive Plan.

NOTIFICATION:

The proper sign has been posted on the property. The white slips and green cards receipts from the certified mailing have been returned.