

STAFF REPORT
May 26, 2005

No. 05RZ038 - Rezoning from Flood Hazard District to Park Forest District **ITEM 59**

GENERAL INFORMATION:

PETITIONER	City of Rapid City for Tracy Parris
REQUEST	No. 05RZ038 - Rezoning from Flood Hazard District to Park Forest District
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE$\frac{1}{4}$ of the SW$\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE$\frac{1}{4}$ of the SW$\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota</p>
PARCEL ACREAGE	Approximately 0.05 acres
LOCATION	6201 Magic Canyon Road

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EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District - Suburban Residential District (Pennington County)
East:	Flood Hazard District
West:	Flood Hazard District - Park Forest District
PUBLIC UTILITIES	Private water and City sewer
DATE OF APPLICATION	3/28/2005
REVIEWED BY	Karen Bulman / Bob Dominicak

RECOMMENDATION: Based on the adopted Floodplain Development Policy, staff recommends that the Rezoning from Flood Hazard District to Park Forest District be approved in conjunction with the associated Amendment to the Comprehensive Plan with the following stipulations:

1. Prior to City Council approval, the property owner shall submit a revised legal description identifying the boundaries of the Rezoning from Flood Hazard District to Park Forest District as including only that property located outside of the 100 and 500 year hydraulic floodplain.

GENERAL COMMENTS: On May 5, 2005, the Planning Commission authorized submission of the rezoning application and the Amendment to the Comprehensive Plan to change the land use from Flood to Park Forest on the above described property. The subject property was part of an annexation of property on the west side of Rapid City in October 1973. Subsequently, the property was zoned Flood Hazard District. The adopted 1974 Comprehensive Plan identifies this property as Flood land uses.

On October 19, 1987, the City Council approved a Rezoning request to change the zoning designation from Flood Hazard District to Park Forest District on a piece of property located directly east of the subject property also owned by the applicant.

The .05 acre property is located approximately 1,800 feet southwest of the intersection of Magic Canyon Road and S.D. Highway 44 on the south side of Magic Canyon Road. Currently, a single family residence and a garage are located on the property. Land located south of the subject property is zoned General Agriculture District and Suburban Residential District in Pennington County. Land located north of the subject property is zoned Park Forest District. Land located east of the subject property is zoned Flood Hazard District. Land located west of the subject property is zoned Park Forest District and Flood Hazard District. The adopted 1974 Comprehensive Plan identifies this property as Flood land uses. A Comprehensive Plan Amendment (05CA023) has been submitted in conjunction with this rezoning request by the City.

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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 districts affected or in the City in general.*

The subject property is the location of a single family residence and accessory structure. The property owner has submitted information showing that the majority of the property is located outside of the hydraulic floodway and the 100 and 500 year hydraulic floodplain. As such, the new flood boundary provided by Britton Engineering is the changing condition making the rezoning of the subject property necessary, assuming the boundary of the proposed rezoning is revised to match the boundary of the 500 year hydraulic flood plain.

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

Park Forest Zoning District is intended to provide the city with an area to be preserved for its natural beauty and open character. Properties located south of the subject property are zoned General Agriculture District and Suburban Residential District in Pennington County. Property located north of the subject property is zoned Park Forest District. Property located east of the subject property is zoned Flood Hazard District. Property located west of the subject property is zoned Park Forest District and Flood Hazard District. On October 19, 1987, the City Council approved a rezoning request to change the zoning designation on a piece of property located directly east of the subject property, also owned by the applicant, from Flood Hazard District to Park Forest District. The property will remain a single family residence with open space. Rezoning the subject property is consistent with the intent of this 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.*

Assuming compliance with the recommended stipulation of approval regarding the revised district boundary, staff has not identified any significant adverse effects that would result from the proposed rezoning.

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 City Council adopted a Resolution Establishing a Rapid Creek Floodplain Policy in June 1993. This policy was revised in 1997 and again in 2000. The adopted Resolution Establishing a Rapid Creek Floodplain Policy as revised on September 27, 2000 states that the Flood Hazard Zoning District boundary, as applied to private property upstream of the Chapel Lane Road Bridge, should match the boundaries of the 500 year floodplain. On properties downstream from the Chapel Lane Road Bridge, the boundaries are to match the 100 year hydraulic floodway. The engineering survey completed by Britton Engineering

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identifies approximately five feet along the north side of the subject property that is located within the 500 year floodplain. The balance of the subject property is located outside the 100 year hydraulic floodway and outside the 500 year floodplain.

Staff has reviewed the survey data submitted by Britton Engineering identifying the 100 year and 500 year hydraulic flood boundary. Staff supports the rezoning of the subject property from Flood Hazard District to Park Forest District with the exception of the small area located within the 500 year hydraulic floodplain. Based on the data submitted by Britton Engineering and the adopted Floodplain Development Policy, staff supports the rezoning of the subject property with a revised legal description eliminating a portion of the property located in the 500 year hydraulic floodplain.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 26, 2005 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.