

STAFF REPORT

March 21, 2002

No. 02RZ016 - Rezoning from No Use District to Flood Hazard District **ITEM 28**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02RZ016 - Rezoning from No Use District to Flood Hazard District
EXISTING LEGAL DESCRIPTION	North Lot of Block 3 of Cleghorn Canyon No. 2 and Lot F4 of Fish Hatchery Subdivision, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.5 acres
LOCATION	5100 Cleghorn Canyon Road
EXISTING ZONING	No Use District (City)
SURROUNDING ZONING	
North:	Park Forest District
South:	Limited Agriculture District (County)
East:	Flood Hazard District
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	Rapid Canyon Sewer District and Rapid City Water
DATE OF APPLICATION	02/20/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Flood Hazard District be approved.

GENERAL COMMENTS: This property is located at 5100 Cleghorn Canyon Road at the intersection of Cleghorn Canyon Road and U.S. Highway 16. This property was annexed into the City limits in 1998. Cleghorn Canyon was developed in the 1930's. Currently there are approximately 65 dwelling units constructed in the Canyon, with one public access into the canyon. A Channel Lot is located on the south side of the subject property and is a federally designated floodplain.

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

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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 was annexed into the City in 1998. All lands annexed into the City are placed in a No Use Zoning District. The No Use Zoning District is a temporary designation for the purpose of permitting investigation and study of the land uses in the area. After thorough investigation, Staff believes that this property is appropriate for designation as a Flood Hazard Zoning District.

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

Currently there are several structures located on the site. Staff met with the owner of the property to discuss concerns over items that are located on this property, including a well house, billboard, boat storage, shed, camper, and lumber storage. Many of these items, the well house, billboard, boat storage and shed are legal nonconforming uses in a Flood Hazard District because they were on the site prior to Pennington County adopting Flood Regulations in 1982. The camper and the lumber stored on site are located outside of the floodway based on elevations provided by Renner & Sperlich Engineering. Therefore, the camper storage and lumber storage would be legal nonconforming uses in the Flood Hazard District, providing the items are not removed for a period of one year or more.

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.

Staff believes that any future development of the subject property could have a significant impact upon the infrastructure in the area. Therefore, the proposed rezoning to Flood Hazard District would be appropriate and would not have a significant affect on any of the surrounding land uses or on public infrastructure.

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 Rapid City Comprehensive Plan designation for this property is Flood Hazard use. Highway 44 West and Cleghorn Canyon Road are located adjacent to the subject property. The proposed rezoning of this parcel to Flood Hazard District is consistent with the adopted plans.

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Staff has mailed certified letters to notify surrounding property owners of the proposed rezoning and has posted the required sign on this property. Staff has received several calls concerned with the flood hazard area and any future development in the area.

