

## STAFF REPORT

September 25, 2003

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**No. 03CA018 - Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential**

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**ITEM 11**

### GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Company for Steve Moore
REQUEST	<b>No. 03CA018 - Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential</b>
EXISTING LEGAL DESCRIPTION	a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common

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to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning

PARCEL ACREAGE	Approximately 1.327 acres
LOCATION	1600 Creek Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Light Industrial District/Flood Hazard District
East:	Flood Hazard District
West:	Light Industrial District/Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/23/2003
REPORT BY	Vicki L. Fisher

**RECOMMENDATION:**

Staff recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.327 acre parcel of land from Agriculture to Low Density Residential be **approved**.

**GENERAL COMMENTS:**

**This item was continued at the September 4, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description. This Staff Report has been revised as of September 15, 2003. All revised and/or added text is shown in bold print.** The applicant has submitted a Comprehensive Plan Amendment to change the future

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land use designation on a 1.327 acre parcel from Agriculture to Low Density Residential. The applicant has also submitted a Rezoning request to change the zoning designation of the subject property from Flood Hazard District to Low Density Residential District. (See companion item #03RZ030.) The 1.327 acre parcel is a part of a 3.19 acre lot.

Currently, two single family residences are located on the property. The residences were constructed on the property before the lot was annexed into the City limits and, as such, are legal non-conforming structures.

### STAFF REVIEW:

Upon review of the legal description submitted with the Comprehensive Plan Amendment request, staff has noted that a portion of the adjacent property is included in the proposed amendment request. As such, staff is recommending that this item be continued to the September 25, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description. **The applicant has recently submitted a revised legal description eliminating the adjacent property from the proposed request.**

**As previously indicated, two legal non-conforming single family residences are located on the property. In addition, the properties located directly north and south of the subject property currently have a single family residence located on each site with no apparent adverse affect(s). The applicant is proposing to rezone the property to Low Density Residential District in order to bring the property into compliance with the Zoning Ordinance in order to construct an attached garage onto one of the residences. The overall development of the surrounding properties has created a corridor of residential development.**

The Rapid City Long Range Comprehensive Plan originally identified this area as appropriate for agriculture use due to the undeveloped nature of the area and the presence of extensive areas of floodplain and floodway. However, several areas along Creek Drive have since transitioned into residential developments. In addition to the properties located directly north and south of the subject property, several properties located south along Creek Drive have been developed as residential use(s).

Staff notes that Comprehensive Plan Amendments do not require direct notification of neighboring property owners; however, South Dakota Codified Law requires that plan amendments be advertised in a local newspaper. Staff will notify the Planning Commission at the September 25, 2003 Planning Commission meeting if this requirement has not been met.