

STAFF REPORT

December 18, 2003

No. 03RZ044 - Rezoning from Mobile Home District to Low Density Residential II District

ITEM 11

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bill Freytag
REQUEST	No. 03RZ044 - Rezoning from Mobile Home District to Low Density Residential II District
EXISTING LEGAL DESCRIPTION	The S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.61 acres
LOCATION	Located along Nicole Street
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Mobile Home Residential District
East:	Mobile Home Residential District
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/26/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from Mobile Home Residential District to Low Density Residential II District be **approved**.

GENERAL COMMENTS: **This staff report has been revised as of December 9, 2003. All revised and/or added text is shown in bold print. This application was continued at the October 23, 2003 Planning Commission meeting at the applicant's request to allow the rezoning to be considered in conjunction with a Layout, Preliminary and Final Plat (03PL099) and a Subdivision Variance (03SV040). Both of these applications are being heard at the December 18, 2003 Planning Commission meeting. The applicant has also submitted a Petition of Annexation (03AN012) for section line highway located adjacent to the subject property as well as an application to Vacate the Section Line highway (03VR014) and a Comprehensive Plan Amendment to amend the Major Street Plan (03CA042). All of these applications will also be heard at the December 18, 2003 Planning Commission meeting. The subject territory contains approximately 8.61 acres and is located along Nicole Street, west of**

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Haines Avenue and north and west of Mall Ridge. The property owner plans to build residential structures, including townhomes, on this property. The property owner has property adjacent to the subject property and has submitted a Petition of Annexation (03AN011) and a request to rezone that property from No Use District to Low Density Residential II District (03RZ043).

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 currently zoned Mobile Home Residential District. The property is currently undeveloped, but the property owner plans to build residential structures, including townhomes, on the site. Therefore, the property owner is requesting to change the Mobile Home Zoning District to Low Density Residential II Zoning District.

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

Properties located north and west of the subject property are zoned Limited Agriculture District by Pennington County. The properties located south and east of the subject property are zoned Mobile Home Residential District. The property is located west of Haines Avenue and north and west of Mall Ridge Subdivision. The Comprehensive Plan identifies the subject property as appropriate for residential land use(s). Rezoning this property as Low Density Residential District II would appear to be consistent with the intent and purpose 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.*

The subject property is adjacent to Limited Agriculture District by Pennington County to the north and Mobile Home Residential District to the south and east. The proposed amendment would be appropriate as the subject property is located adjacent to the surrounding residential zoning districts. The amendment should 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 for this area identifies the subject property and adjacent properties as appropriate for residential land use(s). Rezoning the subject property from Mobile Home District to Low Density Residential II District appears to be consistent with the adopted Comprehensive Plan.

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Staff is recommending that the rezoning be approved. As of this writing, the sign has been posted on the property, and the receipts from the certified mailing have been returned. Staff has received **three inquiries but no objections** regarding this request.