

STAFF REPORT
April 22, 2004

No. 04RZ019 - Rezoning from No Use District to Flood Hazard

ITEM 35

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ019 - Rezoning from No Use District to Flood Hazard
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less
PARCEL ACREAGE	Approximately 24.696 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Box Elder
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/24/2004
REPORT BY	Karen Bulman

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RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Flood Hazard District be approved in conjunction with the related Comprehensive Plan Amendment.

GENERAL COMMENTS: **This staff report has been revised as of April 13, 2004. All revised and/or added text is shown in bold print. The Planning Commission continued this application at the April 8, 2004 meeting to allow continued public input. The required sign has been posted on the property.** This undeveloped property contains approximately 24.696 acres and is located along the east boundary of North Elk Vale Road north of U.S. Interstate 90. The property is located adjacent to the northwest boundary of Box Elder. A voluntary annexation of the subject property has been submitted and will be heard by the City Council on April 5, 2004. Upon annexation, the property will be zoned No Use District. The applicant met with the Future Land Use Committee to request a change in land use from general agriculture to a greenway area. An initial application to rezone the subject property from No Use District to Public District was submitted. The applicant indicated that there would be no development within this area. Flood Hazard Zoning Districts are established for those uses having a low flood damage potential, and will not obstruct flood flows. As such, staff recommended that the initial application be denied without prejudice and re-advertised as Rezoning from No Use District to Flood Hazard District.

In addition to this Rezoning application, the property owner submitted fourteen companion applications that will be heard by the City Council on April 5, 2004, including: a Petition to Annex, Preliminary Plat, Subdivision Variance, four Rezoning applications, three Planned Development applications, and five Comprehensive Plan Amendments (See companion items: 04PL020, 04SV014, 04AN002, 04CA005, 04PD014, 04RZ009, 04CA006, 04PD015, 04RZ008, 04RZ011, 04CA008, 04RZ012, 04CA009, and 04PD016).

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.*

A voluntary annexation of the subject property (04AN002) will be heard by the City Council on April 5, 2004. All annexed lands are temporarily zoned No Use District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

Flood Hazard Zoning District is established for those uses having a low flood damage potential, and not obstructing flood flows. The subject property is located in the 100 year federally designated floodplain. The applicant has indicated that the subject property will be a greenway area with no development. Staff is unaware of any facilities, structural or otherwise, to be placed on the property. The special standards identified in the Flood

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Hazard Zoning District will provide adequate review to insure that the public health and safety is protected. As such, rezoning from No Use District to Flood Hazard District appears to be consistent with the intent of this ordinance due to the flood issues associated with the property.

- 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 property owner has indicated the subject property would be a open space with no development. Due to the floodway and flood plain issues located on the site, it appears that this amendment to change the zoning designation on the subject property from No Use District to Flood Hazard District would not adversely affect any other part of the City and will actually provide additional protections insuring the public health and safety.

- 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 Future Land Use Committee met on February 13, 2004 and recommended an Amendment to the Comprehensive Plan to change the land use on the subject property from General Agriculture land use to a greenway land use. If the related Amendment to the Comprehensive Plan (04CA016) to change the land use designation on the subject property from General Agriculture to Flood Hazard is approved, then this amendment would be consistent with the City's Comprehensive Plan.

The required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received **several** inquiries **and** objections regarding the proposed rezoning.