

STAFF REPORT
May 26, 2005

No. 05CA023 - Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest

ITEM 58

GENERAL INFORMATION:

PETITIONER

City of Rapid City for Tracy Parris

REQUEST

No. 05CA023 - Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest

EXISTING

LEGAL DESCRIPTION

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

STAFF REPORT
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ITEM 58

PARCEL ACREAGE	Approximately 0.05 acres
LOCATION	6201 Magic Canyon Road
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	4/25/2005
REVIEWED BY	Karen Bulman / Bob Dominicak

RECOMMENDATION: Based on the adopted Floodplain Development Policy, staff recommends that the Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest be approved with the following stipulations:

1. Prior to City Council approval, the property owner shall submit a revised legal description identifying the boundaries of the Comprehensive Plan Amendment 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 the 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 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

STAFF REPORT
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ITEM 58

100 year hydraulic floodway. The engineering survey completed by Britton Engineering 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.

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. A request to rezone the subject property from Flood Hazard District to Park Forest District (05RZ038) has been submitted in conjunction with this Amendment to the Comprehensive Plan.

STAFF REVIEW: The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

Staff has reviewed this proposed Comprehensive Plan Amendment for conformance with the six criteria for review of comprehensive plan amendments established in Section 2.60.160(D). A summary of Staff findings are outlined below:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

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. Approximately five feet of the subject property is located within the 500 year floodplain. The balance of the subject property is out of the 100 year hydraulic floodway and out of the 500 year floodplain. A revised legal description removing the five foot length of property from this request will need to be submitted prior to City Council approval to bring this request into compliance with the adopted policy. The proposed change on the balance of the property meets the intent of the comprehensive plan.

2. *Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property.*

The property owner submitted a survey of the subject property by Britton Engineering indicating that the majority of the property is located outside of the hydraulic floodway and the 100 year hydraulic floodplain and 500 year floodplain. Approximately five feet of land

STAFF REPORT
May 26, 2005

No. 05CA023 - Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest

ITEM 58

along the north side of the subject property is located within the 500 year floodplain. The engineering survey verifies that the majority of the property is no longer located within the floodway or floodplain boundaries and warrants the change in the Comprehensive Plan for those portions of the site.

3. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.*

A single family structure with a garage is located on site. Other uses that may occur in Park Forest land uses, other than a residence and private garage, may include private residential garage, parks, playgrounds, historical monuments, or tree or plant nurseries all with a Conditional Use Permit. Based on the Flood Policy adopted by the City Council and with the removal of the five feet of property along the north boundary of the subject property, the change is compatible with the existing uses located adjacent to the subject property.

4. *Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation.*

Assuming that the land located in the 500 year hydraulic floodplain is removed from this amendment, staff can identify no significant adverse affects that would result from the proposed Comprehensive Plan Amendment.

5. *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

The subject property is the location of a single family residence and garage. A proposed addition to the garage may be constructed in the future. The proposed amendment will allow the property owner the ability to expand the use of his property.

6. *Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.*

The Rapid Creek Floodplain Policy identifies the Flood Hazard Zoning District as being appropriate for all public and private property within the boundaries of the 500 year floodplain upstream of the Chapel Lane Road Bridge. Based on the survey provided by the property owner, approximately five feet along the northern edge of the subject property is located within the 500 year floodplain. Staff is recommending that a revised legal description be submitted prior to City Council approval removing the approximate five feet on the north boundary of the subject property that is within the 500 year floodplain as identified by Britton Engineering from the area of the amendment. This will make the request consistent with the adopted Floodplain Development Policy.

As of this writing, the required 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 these requirements have not been met.

STAFF REPORT
May 26, 2005

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ITEM 58

Staff has received no inquiries or objections regarding the proposed request at the time of this writing.