

STAFF REPORT
April 20, 2006

No. 06RZ007 - Rezoning from Flood Hazard District to Park Forest District **ITEM 23**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ007 - Rezoning from Flood Hazard District to Park Forest District
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE1/4SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Said parcel bears N10°05'26"W a distance of 814.22 feet from the southeast corner of Lot 2, marked with a 5/8" rebar with survey cap "LS 4371", of Tittle Springs Subdivision Commencing at the point of beginning: Thence First Course: along a line with a bearing of N89°21'58"W and a distance of 50.00 feet; Thence Second Course: along a line common to Lots 5 and 6 of Tittle Springs Subdivision a bearing of N00°31'31"E and a distance of 44.09 feet; Thence Third Course: along said 500-year flood boundary line a bearing of S82°43'30"E and a distance of 9.86 feet; Thence Fourth Course: along said 500-year flood line a bearing of S83°29'39"E and a distance of 14.28 feet; Thence Fifth Course: along said 500-year flood line a bearing of S72°02'10"E and a distance of 11.45 feet; Thence Sixth Course: along said 500-year flood line a bearing of S78°26'08"E and a distance of 9.22 feet; Thence Seventh Course: along said 500-year flood line a bearing of S68°50'57"E a distance 3.22 feet; Thence Eighth Course along said 500-year flood line a bearing of S64°03'45"E a distance of 3.16 feet; Thence Ninth Course: along the line common with Lots 4 and 5 of Tittle Springs Subdivision with a bearing of S00°31'31"W a distance of 34.43 feet to the point the beginning. Said parcel of land contains 2.021.6 square feet or 0.0464 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE1/4 of the SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.</p>
PARCEL ACREAGE	Approximately 0.0464 acres
LOCATION	6201 Magic Canyon Road

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EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District (Pennington County) - Suburban Residential District (Pennington County)
East:	Flood Hazard District
West:	Park Forest District - Flood Hazard District
PUBLIC UTILITIES	Private water and City sewer
DATE OF APPLICATION	3/24/2006
REVIEWED BY	Karen Bulman / Bob Dominicak

RECOMMENDATION: Staff recommends that the Rezoning from Flood Hazard District to Park Forest District be approved in conjunction with the associated Amendment to the Comprehensive Plan.

GENERAL COMMENTS: 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 Floodway.

On May 5, 2005, the Planning Commission authorized submission of a rezoning application and the Amendment to an Comprehensive Plan to change the land use from Flood to Park Forest on the above described property. On June 2, 2005, the Planning Commission approved the request to rezone the subject property in conjunction with the associated Amendment to the Comprehensive Plan with the stipulation that prior to City Council approval, the property owner submits a revised legal description identifying the boundaries of the Rezoning from Flood Hazard District to Park Forest District as including only that property located outside of the 100 and 500 year hydraulic floodplain. On August 15, 2005, the City Council denied the request to rezone the subject property as the stipulation of approval had not been met.

The property owner has now submitted additional information indicating that the subject property is located outside the boundaries of the 100 year and 500 year hydraulic floodplain. On March 23, 2006, the Planning Commission authorized 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 .0464 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

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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. The adopted 1974 Comprehensive Plan identifies this property as Flood land uses. A Comprehensive Plan Amendment (06CA009) has been submitted in conjunction with this rezoning request by the City.

STAFF REVIEW: 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 the location of a single family residence and accessory structure. The property owner has submitted information showing that the property is located outside of the hydraulic floodway and the 100 and 500 year hydraulic floodplain. As such, the new flood boundary provided by Britton Engineering is the changing condition making the rezoning of the subject property necessary.

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

Park Forest Zoning District is intended to provide the City with an area to be preserved for its natural beauty and open character. Properties located south of the subject property are zoned General Agriculture District and Suburban Residential District in Pennington County. Property located north of the subject property is zoned Park Forest District. Property located east of the subject property is zoned Flood Hazard District. Property located west of the subject property is zoned Park Forest District and Flood Hazard District. On October 19, 1987, the City Council approved a rezoning request to change the zoning designation on a piece of property located directly east of the subject property from Flood Hazard District to Park Forest District. Rezoning the subject property is consistent with the intent 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.*

Staff has not identified any significant adverse effects that would result from the proposed rezoning.

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 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

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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 100 year hydraulic floodway. The engineering survey completed by Britton Engineering identifies that the subject property is located outside the hydraulic floodway and outside the 100 year and 500 year hydraulic floodplain.

Staff has reviewed the survey data submitted by Britton Engineering identifying the 100 year and 500 year hydraulic flood boundary. Based on the data submitted by Britton Engineering and the adopted Floodplain Development Policy, staff supports the rezoning of the subject property. A FEMA Elevation Certificate for any new building, verifying that the bottom floor elevation is above the 500 year flood elevation, will be required at the submission of any building permit request.

As of this writing, the required rezoning 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 April 20, 2006 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.