

STAFF REPORT
November 9, 2006

No. 06RZ038 - Rezoning from Medium Density Residential to Public

ITEM 48

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ038 - Rezoning from Medium Density Residential to Public
EXISTING LEGAL DESCRIPTION	Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .86 acres
LOCATION	West of Champion Drive and east of Vicki Powers Park
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Low Density Residential District
East:	Medium Density Residential District (Planned Residential Development)
West:	Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/2/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from Medium Density Residential to Public be **approved in conjunction with the associated Amendment to the Comprehensive Plan.**

GENERAL COMMENTS: **This staff report has been revised as of October 27, 2006. All revised and/or added text is shown in bold print. This application was continued at the October 26, 2006 Planning Commission meeting to allow the associated Amendment to the Comprehensive Plan to be legally advertised. The legal advertisement has been made and staff recommends approval of the Rezoning application.** This undeveloped property contains approximately .86 acres and is located West of Champion Drive and east of Vicki Powers Park. The property is currently zoned Medium Density Residential District with a Planned Residential Development. The property located north and east of the subject property is zoned Medium Density Residential District with a Planned Residential Development. Property located south of the subject property is zoned Low Density Residential District. Property located west of the subject property is zoned Public District and is owned by the City of Rapid City. In addition to this application

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for Rezoning from Medium Density Residential District to Public District, the applicant has submitted a Comprehensive Plan Amendment to change the land use from Residential to Public (06CA044) and a SDCL 11-6-19 Review to allow the donation of park land (06SR066).

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.*

This undeveloped property is located west of Champion Drive and east of Vicki Powers Park and in an area that is ready to develop. The property owner wishes to donate the subject property to the City to be used as part of the parkland designated by the City. The donation of the subject property to the City of Rapid City for use as parkland constitutes the changing condition requiring rezoning of the property.

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

The Public Zoning District is established to provide for facilities which serve the general public that are operated by the United States of America, the state of South Dakota or any political subdivision which qualifies for exemption from property taxes, or non-profit organizations. The subject property is located in an area adjacent to residential development and is designated as appropriate for residential land use. A Comprehensive Plan Amendment to change the land use for the subject property from Residential to Public has been submitted in conjunction with this rezoning application. The subject property is located adjacent to and east of property zoned Public District designated for use as a public park for the residential neighborhood. Champion Drive, located east and adjacent to the subject property, will be sufficient to carry the additional traffic from the park to the residential areas or further onto Haines Avenue. City sewer and water will be extended into the subject property as development occurs. The proposed zoning from Medium Density Residential District to Public District is consistent with the surrounding zoning designations and 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.*

The subject property is located adjacent to Low and Medium Density Residential Zoning Districts and Public District. Water and sewer are proposed to be extended into the subject property as development occurs. Champion Drive will be located east and adjacent to the subject property and will connect to Kathryn Avenue and Haines Avenue, a principal arterial street on the City's Major Street Plan. Future street improvements and infrastructure improvements will be completed with the future development of the subject property. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from Medium Density Residential District to Public District when adequate infrastructure is extended as part of the development of this area.

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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 Comprehensive Land Use Plan identifies this area as appropriate for Residential land uses. A Comprehensive Plan Amendment application has been submitted with this rezoning request to change the land use from Residential to Public. With approval of the Comprehensive Plan Amendment, rezoning the subject property from Medium Density Residential District to Public District will be consistent with the Comprehensive Plan.

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 if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

Due to an error by the Rapid City Journal, the associated Comprehensive Plan Amendment was not properly advertised. As such, Staff is recommending that the Rezoning from Medium Density Residential District to Public District be continued to the November 9, 2006 Planning Commission meeting to be heard in conjunction with the associated SDCL 11-6-19 Review and Comprehensive Plan Amendment applications. **The legal advertisement has been made and staff recommends that the Rezoning from No Use District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment. (Revised 10-27-06)**