

STAFF REPORT
November 22, 2006

No. 06RZ054 - Rezoning from No Use District to Low Density Residential District **ITEM 52**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ054 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.363 acres
LOCATION	5740 West Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Flood Hazard District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Canyon Sanitary District and Private Well
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District be **approved in conjunction with the associated Comprehensive Plan Amendment.**

GENERAL COMMENTS: **This staff report has been revised as of November 14, 2006. All revised and/or added text is shown in bold print. This application was continued at the November 9, 2006 Planning Commission in order to be heard in conjunction with the Comprehensive Plan Amendment for the subject property.** This residentially developed property contains approximately 2.363 acres and is located at 5740 West Highway 44. The subject property was annexed effective October 31, 2005 (05AN010) and is zoned No Use District. The property located north, south and west of the subject property is zoned Suburban Residential District by Pennington County. The property located east of the subject property is zoned Flood Hazard District. **A Comprehensive Plan Amendment to change the land use from Park Forest to Low Density Residential (06CA047) has been submitted in conjunction with this rezoning application. (Revised 11-14-06)**

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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 has been annexed into the City limits and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This residentially developed property is located at 5740 West Highway 44.

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

The Low Density Residential Zoning District is intended to be used for single-family residential development with low population densities. Currently, a single family residence is located on the property. The subject property is located adjacent to West Highway 44, a principal arterial on the City's Major Street Plan. Prior to annexation, the property was zoned Suburban Residential District by Pennington County. The surrounding property is zoned Suburban Residential by Pennington County. Rezoning the subject property from No Use District to Low Density Residential District appears to be appropriate.

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 residentially developed and located adjacent to West Highway 44, a principal arterial on the City's Major Street Plan. Infrastructure is supplied by the Rapid Canyon Sanitary District. The surrounding property is zoned Suburban Residential by Pennington County. Prior to annexation, the subject property was zoned Suburban Residential by Pennington County. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from No Use District to Low Density Residential District.

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 Park Forest land uses for properties of not less than three acres. A Comprehensive Plan Amendment has been submitted to change the land use from Park Forest to Low Density Residential land use and will be heard at the November 22, 2006 Planning Commission meeting. Upon approval of the Comprehensive Plan Amendment, this property will be consistent with the Land Use Plan and not in conflict with the Development Plan for Rapid City.

As of this writing, the required sign has not been posted on the property and the receipts

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from the certified mailing have not been returned. Staff will notify the Planning Commission if these requirements have not been met. **The required sign has been posted and the receipts from the certified mailing have been returned. (Revised 11-14-06)** Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the rezoning of the subject property from No Use District to Low Density Residential District be continued to the November 22, 2006 Planning Commission meeting to be heard in conjunction with the Amendment to the Comprehensive Plan. **Staff recommends that the rezoning of the subject property from No Use District to Low Density Residential District be approved in conjunction with the associated Amendment to the Comprehensive Plan. (Revised 11-14-06)**