

STAFF REPORT
December 7, 2006

No. 06RZ065 - Rezoning from No Use District to Low Density Residential II District **ITEM 33**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ065 - Rezoning from No Use District to Low Density Residential II District
EXISTING LEGAL DESCRIPTION	A parcel of land located in the NW1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City Pennington County, South Dakota, being more particularly described as follows: beginning at the northeast corner of Lot 1R of Block 4, Tyler Knue Subdivision; thence first course; S00°17'18"W a distance of 131.86 feet; thence second course; N89°44'51"W a distance 145.05 feet; thence third course: N00°17'18"E a distance of 132.11 feet; thence fourth course; S89°38'51"E distance of 145.05 feet to the point of beginning
PARCEL ACREAGE	Approximately 0.440 Acres
LOCATION	At the northwest corner of the intersection of Nicole Street and Brook Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential II District
East:	Low Density Residential II District
West:	Low Density Residential II District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	10/27/2006
REVIEWED BY	Rodney Proffitt / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential II District be approved.

GENERAL COMMENTS: The subject property was annexed into the City of Rapid City effective August 8, 2004 (04AN005). The annexed parcel replatted as Lot 1R, Block 4, Tyler Knue Subdivision was approved in 2004. The property to the south is zoned Low Density Residential II District. The proposed rezoning area contains approximately 0.440 acres.

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Property located to the west and east of the subject property is also zoned Low Density Residential II District. The property located directly north of the subject property across Country Road West is zoned Medium Density Residential District. This application requests to change the present zoning for the property in question from No Use District to Low Density Residential II District.

STAFF REVIEW:

Staff reviewed this proposed rezoning request for conformance with the four (4) criteria established in Section 17.54.040(D)(1) for zoning map amendments. A summary of Staff findings are as follows:

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 was annexed into the City effective August 8, 2004 (04AN005). Upon annexation, the property is designated as "No Use" District until the appropriate rezoning can occur. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use to Low Density Residential II District.

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

Currently, City sewer and water utilities are available to the property just south of the property in question. The Zoning Ordinance identifies the Low Density Residential II District as an appropriate zone for urban residential development. The proposed zoning change is consistent with the intent and purposes of the City's Zoning 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 Staff has not identified any significant adverse effects that would result by rezoning the subject property from No Use District to Low Density Residential II 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 subject property is located in the 2000 Future Land Use Plan and is identified as being appropriate for residential development. The requested rezoning is consistent with the adopted Comprehensive Plan.

The sign has been posted on the subject property. The green receipts from the certified mailing have not been returned as of this writing. The Staff will notify the Planning Commission at the meeting scheduled for December 7, 2006 if the receipts have not been returned prior to the meeting.