

STAFF REPORT
January 4, 2007

No. 06RZ063 - Rezoning from No Use District to Low Density Residential II District **ITEM 27**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ063 - Rezoning from No Use District to Low Density Residential II District
EXISTING LEGAL DESCRIPTION	All of the western most 33 feet of the section line right-of-way beginning at the northwest corner of Section 15, T1N, R8E, extending south approximately 1,039.08 feet in the NW1/4 of the NW1/4 of Section 15, T1N, R8E, BHM; and the section line right-of-way adjacent to Lots 1 and 2 of Lot D of the E1/2 of the SE1/4 of Section 9, T1N, R8E, BHM; and the section line right-of-way beginning at the southwest corner of Section 10, thence northerly 833.30 feet in Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately One Acre
LOCATION	Jolly Lane South of East S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	Suburban Residential District (Pennington County)
East:	General Agriculture District District (Pennington County)
West:	Low Density Residential II District
PUBLIC UTILITIES	NA
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:

This property is Jolly Lane, an existing roadway, located south of East S.D. Highway 44. It contains approximately one acre more or less. The subject property was annexed into the City of Rapid City effective December 3, 2004 (04AN012) at the request of Pennington County.

STAFF REPORT
January 4, 2007

No. 06RZ063 - Rezoning from No Use District to Low Density Residential II District **ITEM 27**

Property located north of this property is zoned General Commercial District. Property located west of the subject property is zoned Low Density Residential II District. Property located to the south and east, not including other segments of the right-of-way, is outside the corporate limits of the City, and is zoned General Agriculture District in Section 15 and Suburban Residential District in Section 10. Other applications are pending in conjunction with this application (06RZ052, 06RZ048 and 06RZ064) for rezoning of this same roadway.

This request will change the present zoning for this roadway from No Use District to Low Density Residential II District.

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 was annexed into the City on December 3, 2004. Upon annexation, the property was designated as "No Use" District. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use District to Low Density Residential II District.

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

The Low Density Residential II Zoning District is intended to be used for single-family residential development with low population densities. The subject property is located in an area with active new residential development. The subject property is located adjacent to a Medium Density Zoning Residential District and a Low Density Residential II Zoning District and will serve these areas.

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.*

Jolly Lane is an existing roadway recognized in the Long Range Transportation Plan as a collector street. The subject property is located adjacent to a Low Density Residential II Zoning District. It is important for cities to classify areas of the city as appropriate for residential use. 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 Comprehensive Long Range Land Use Plan identifies this area as appropriate for

STAFF REPORT
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No. 06RZ063 - Rezoning from No Use District to Low Density Residential II District **ITEM 27**

residential land uses. Jolly Lane is an existing roadway recognized in the Long Range Transportation Plan as a collector street and provides access to East S.D. Highway 44. Rezoning this property from No Use District to Low Density Residential II District appears to be appropriate.

The required sign was posted on the property on December 13, 2006. The green card receipts from the certified mailing have not been returned as of this writing. Staff will notify the Planning Commission at its meeting on January 4, 2007 if the receipts have not been returned prior to the meeting.

Staff recommends the application to rezone the subject property from No Use District to Low Density Residential II District be approved.