

STAFF REPORT
January 25, 2007

No. 06RZ070 - Rezoning from No Use District to Medium Density Residential District **ITEM 16**

GENERAL INFORMATION:

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| PETITIONER | City of Rapid City |
| REQUEST | No. 06RZ070 - Rezoning from No Use District to Medium Density Residential District |
| EXISTING LEGAL DESCRIPTION | A 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Less than One Acre |
| LOCATION | West of Haines Avenue and north of Country Road West |
| EXISTING ZONING | No Use District |
| SURROUNDING ZONING | |
| North: | No Use District |
| South: | Medium Density Residential District (Planned Residential Development) |
| East: | Medium Density Residential District (Planned Residential Development) |
| West: | General Agriculture District (Pennington County) |
| PUBLIC UTILITIES | Rapid City |
| DATE OF APPLICATION | 10/8/2006 |
| REVIEWED BY | Rodney Proffitt / Mary Bosworth / Marcia Elkins |

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Medium Density Residential District be denied without prejudice.

GENERAL COMMENTS: **Staff recommends that the application be denied without prejudice to allow the legal description to be corrected.**

This property is section line highway located just west of Auburn Hills Subdivision. It contains less than one acre, and is presently undeveloped. The subject property was annexed into the City of Rapid City effective September 4, 2005 (05AN008). Property located west of this property is not located in the corporate limits of the City and is zoned General Agriculture District. Property located north of the subject property is zoned No Use District. Property located east of the subject property is zoned Medium Density Residential District with a Planned

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Residential Development. Property located to the south is zoned Medium Density Residential District with a Planned Residential Development. Rezoning applications are pending for other segments of this same section line highway (06RZ068 and 06RZ069). A request to amend the Long Range Comprehensive Plan is also pending (06CA052) for this segment of road.

The City submitted this request to change the present zoning for this property from No Use District to Medium Density Residential 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 September 4, 2005. Upon annexation, the property was designated as a "No Use" District. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use District to Medium Density Residential District.

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

The Medium Density Residential Zoning District is intended to provide for medium to high population density. The subject property is located in an area with active new residential development. The subject property is located adjacent to a Medium Density Residential District. As development occurs, this section line highway will become street access for the area.

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.*

Development issues, including drainage, traffic, landscape buffers, and any other issues, will be addressed at the time of development in the area. It is important for cities to classify areas of the city as appropriate for residential use. As development occurs this section line highway will become street access to the area. Staff has not identified any significant adverse effects that would result by rezoning the subject property from No Use District to Medium 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 Long Range Comprehensive Plan identifies this area as appropriate for agriculture land uses, but an application to amend the Plan is pending (06CA052), which will make this area appropriate for residential land uses. The requested rezoning does not appear to conflict with the Long Range Comprehensive Plan.

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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 has received two inquiries about this application, but no objections as of this writing.

Staff recommends that the application to rezone the subject property from No Use District to Medium Density Residential District **be denied without prejudice to allow the legal description to be corrected.**