

STAFF REPORT  
July 5, 2007

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**No. 07RZ042 - Rezoning from No Use District to Low Density Residential District**      **ITEM 30**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 07RZ042 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Mailloux Subdivision, located in the SE1/4 SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximatley 2.0 acres
LOCATION	1030 Country Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	No Use District
East:	No Use District
West:	Low Density Residential District
PUBLIC UTILITIES	None
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

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

GENERAL COMMENTS:

**(Update June 26, 2007. All revised text is shown in bold.) This item was continued at the June 21, 2007 Planning Commission meeting to allow the owner time to submit a Planned Development Designation. As of this writing the property owner has not submitted the required Planned Development Designation application. Staff has been unsuccessful in contacting the property owner. A Planned Development Designation must be obtained on the property prior to rezoning to Low Density Residential District. Since the property owner cannot be contacted, staff recommends that this item be denied without prejudice. This will allow staff to proceed with rezoning the subject property to General Agriculture District, which shall serve as a holding zone, and allow the property to be zoned for development and a Planned Development be obtained at the time the owner is ready to proceed with development.**

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(Update June 13, 2007) This item was continued at the June 7, 2007 Planning Commission meeting to allow the property owner time to submit a Planned Development Designation application. As of this writing the property owner has not submitted the required Planned Development Designation application. Staff has been unsuccessful in contacting the property owner.

The City of Rapid City has submitted a request to rezone two acres from No Use District to Low Density Residential District. The subject property is located at 1030 Country Road. More specifically the subject property is located east of the intersection of West Nike Road and Country Road. Land located to the north and west of the subject property is zoned Low Density Residential District. Land located south and east of the subject property is zoned No Use District. The Comprehensive Plan identifies the subject property as appropriate for a Planned Residential Development with two dwelling units per acre. The subject property is currently zoned No Use District. Currently a mobile home is located on the property. The subject property was annexed by the City of Rapid City on August 1, 2005 (#05AN009).

**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 August 1, 2005 (#05AN009). All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing conditions within this area.

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

The Low Density Residential District is intended to provide for single family residential with low population densities. Currently property located north and west of the subject property is zoned Low Density Residential District. If the proposed rezoning is approved the subject property would be consistent with existing abutting Low Density Residential District. 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 currently does not have access to City water and sewer service. Water and sewer service would be extended to the property as development occurs in the area. Staff has not identified any significant adverse affects that would result by rezoning

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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 Long Range Comprehensive Plan identifies this area as appropriate for a Planned Residential Development with two dwelling units per acre. Staff has noted that the landowner is required to submit a Planned Development Designation application prior to, or in conjunction with this rezoning request. As of this writing a Planned Development Designation application has not been submitted to the Growth Management Department.

#### **NOTIFICATION:**

Staff has noted that all of the mailing receipts have been returned to the Growth Management Department. The proper sign has been posted on the subject property. The required mailings have been sent. Staff will notify the Rapid City Planning Commission at its meeting on June 21, 2007 if the receipts have not been returned prior to the meeting. Staff has received no inquiries or objections concerning this rezoning request.

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