

STAFF REPORT  
December 4, 2008

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**No. 08RZ039 - Rezoning from Low Density Residential District to Flood Hazard District**      **ITEM 20**

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GENERAL INFORMATION:

APPLICANT/AGENT AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08RZ039 - Rezoning from Low Density Residential District to Flood Hazard District</b>
EXISTING LEGAL DESCRIPTION	Lots 5-6 of Block 1 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.42 acres
LOCATION	2917 Chapel Lane
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Flood Hazard District – Neighborhood Commercial District
South:	Low Density Residential District
East:	Low Density Residential District - General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/10/2008
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Staff recommends that the Rezoning from Low Density Residential District to Flood Hazard District be approved.

GENERAL COMMENTS: **(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Staff recommends that this item be approved.** The City has submitted this request to change the zoning designation of the property from Low Density Residential District to Flood Hazard District.

The property is located at 2917 Chapel Lane, west of Chapel Lane and south of Jackson

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Boulevard.

The Rapid Creek Floodplain Development Policy was adopted by the Rapid City Council on July 7, 2008. The policy document included the following language:

“The City shall seek to rezone the following publicly owned properties to Flood Hazard for consistency purposes:

Lot 1A, Block 3, Jackson Park - owned by PenningtonCounty/Rapid City

Lot 1B, Block 3, Jackson Park – owned by Rapid City

Lots 5-6, Block 1, Jackson Park – owned by Rapid City”

This property is one of the publicly owned properties, owned by the City of Rapid City, recommended to be rezoned to Flood Hazard District. Currently, the property is void of any development with the exception of a storm water drainage structure and chain link fence to provide safety, all within a drainage channel. The drainage structure will become a legal non-conforming use in the Flood Hazard District.

**STAFF REVIEW:** Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

The property is currently zoned Low Density Residential District. The recently adopted Rapid Creek Floodplain Development Policy has prompted this rezoning. The City has submitted an associated rezoning request (#08RZ038) for property located north of this property that is also identified in the Floodplain Development Policy for rezoning to Flood Hazard District.

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

The purpose of the Flood Hazard District as stated in the Zoning Ordinance is established for those uses having a low flood damage potential, and not obstructing floodflows. The property is located in an area west of Chapel Lane that is adjacent to a Flood Hazard District to the north. Due to the existing zoning of the adjacent property and the request for consistency in the floodplain, the rezoning would appear to be consistent with the intent and purposes of this 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 amendment.*

The property is located adjacent to Flood Hazard Zoning District and is owned by Rapid City. Flood Hazard Zoning will allow parks, recreational uses, parking areas, farming, forestry, and uses with low flood damage potential along with conditional uses for recreational activities and infrastructure requirements. There are no proposed development plans for this property. The City has submitted this rezoning to be consistent with the surrounding floodplain. No significant adverse impacts have been identified that will result

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from the requested rezoning.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The proposed Flood Hazard Zoning District is consistent with the Rapid Creek Floodplain Development Policy, the Adopted Comprehensive Plan for Rapid City and the proposed Sheridan Lake Neighborhood Area Future Land Use Plan.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries but no objections regarding the proposed request at the time of this writing.

**Notification Requirement: City staff mailed new notification letters to the surrounding property owners as required notifying them of the change in hearing date and republished the public hearing notice. As of this writing, staff has not received any further calls of inquiry regarding this item.**