

STAFF REPORT
January 22, 2009

No. 08RZ054 - Rezoning from No Use District to Low Density Residential District **ITEM 31**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Rapid Valley Sanitary District Water Service
REQUEST	No. 08RZ054 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot A of the SE1/4 NW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.37 acres
LOCATION	North of Copperfield Subdivision, east of Valley Drive and west of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	No Use District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	12/26/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

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

GENERAL COMMENTS: This property contains 0.37 acres and is located north of Copperfield Subdivision, east of Valley Drive and west of Elk Vale Road. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north, south and east of the property is zoned Low Density Residential District. Land located west of the property is zoned No Use District.

The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land uses with a Planned Residential Development. Currently, a large water tank owned by the Rapid Valley Sanitary District is located on the property.

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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 district affected, or the City in general.*

A City initiated annexation of the property (#08AN007) was effective July 29, 2008. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The purpose of the Low Density Residential District as stated in the Zoning Ordinance is to be used for single-family residential development with low population densities. Utility substations are allowed as a Conditional Use in the Low Density Residential District. The property is located within property zoned for residential use. Due to the existing zoning of the adjacent properties, the rezoning would appear to be consistent with the intent and purposes of this ordinance.

A Rapid Valley Sanitary District water tank is located on this property. As a public utility, any changes or expansions to the current use for a water tank will require a SDCL 11-6-19 review.

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 Low Density Residential Zoning Districts and within an expanding residential area. Homestead Street, a proposed collector street, is located east of the property and Summerfield Drive, a local street, is located south of the property. As development occurs, both streets will be located adjacent to the property. Future development of the property as a public utility will require the SDCL 11-6-19 Review. Staff is not aware of any significant adverse effects that will result from rezoning the property from No Use District to Low Density Residential District.

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 Major Street Plan identifies Homestead Street as a proposed collector street. The Elk Vale Neighborhood Area Future Land Use Plan identifies the property as appropriate for Low Density Residential land uses with a Planned Residential Development. As noted previously, a SDCL 11-6-19 review will be needed for any future development of the property as the property is owned by a public utility.

As of this writing, the required sign has been posted on the property but the receipts from

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the certified mailing have not been returned. Staff will notify the Planning Commission at the January 22, 2009 Planning Commission meeting if this requirement has not been met.

Rapid Valley Sanitary District has been contacted and concurs with the Low Density Residential Zoning District designation of their property. Staff recommends that the rezoning from No Use District to Low Density Residential District be approved.