

STAFF REPORT
February 19, 2009

No. 09RZ005 - Rezoning from No Use District to Medium Density Residential District **ITEM 20**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	John W. and Robin Ingalls
REQUEST	No. 09RZ005 - Rezoning from No Use District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 5 of Marshall Subdivision and the south 25 feet of Homestead Street located adjacent to Lot 5 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.64 acres
LOCATION	2345 Homestead Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	Public District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	1/23/2009
REVIEWED BY	Karen Bulman / Karley Halsted

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

GENERAL COMMENTS: This developed property contains approximately 3.64 acres and is located at 2345 Homestead Street. 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 No Use District. Land located west of the property is zoned Public District.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Park land uses. Currently, a mobile home court 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 districts affected or in the City in general.*

The property has been annexed into the City limits (#08AN007) and temporarily placed in a No Use Zoning District. 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 Medium Density Residential Zoning District is intended to provide for medium to high population density. The principal uses of land may range from single family to multiple family apartment uses. Prior to annexation, the property was zoned Suburban Residential District by Pennington County. Currently, a mobile home park is located on the property. Mobile Home Parks are permitted as a Conditional Use in the Medium Density Residential Zoning District provided that the park is a minimum of five acres and meets all the requirements including spacing of homes. The property is less than five acres and does not meet all the general provisions and size for a mobile home park. As the requirements of the Medium Density Residential Zoning District are not met on this property, the existing use of this property will be considered a legal non-conforming use. Any future development of the property will require that it conform to the requirements of the Medium Density Residential Zoning District. Homestead Street is located adjacent and north of the property. Properties used for residential purposes are located to the east, north and south of the property. As such, Medium Density Residential District appears to be an appropriate zoning district for this property.

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.*

Access to the property will be from Homestead Street, a local street with access to Valley Drive, a collector street on the City's Major Street Plan. The property is located adjacent to residential land uses. The property is located within and is served by the Rapid Valley Sanitary District. A Mobile Home Park license is required. No significant adverse impacts that will result from the requested rezoning have been identified.

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 property is located adjacent to Homestead Street with access to Valley Drive, a collector street on the City's Major Street Plan. The Adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for Mobile Home Park land uses.

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Rezoning the subject property from No Use District to Medium Density Residential District is consistent with the adopted Comprehensive Plan.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the February 19, 2009 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The landowner has been contacted and concurs with the Medium Density Residential Zoning District designation of their property. Staff recommends that the rezoning from No Use District to Medium Density Residential District be approved.