

STAFF REPORT
March 5, 2009

No. 09RZ009 - Rezoning from No Use District to Low Density Residential District **ITEM 18**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Charles and Loretta Hammerquist
REQUEST	No. 09RZ009 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	The SE1/4 of Government Lot 1 less the north 100 feet of the SE1/4 of Government Lot 1, Lot A of Lutheran Subdivision, and the 33 feet of Valley Drive right-of-way adjacent to Lot A of Lutheran Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.85 acres
LOCATION	501 and 583 Valley Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Public District
South:	No Use District
East:	General Agriculture District
West:	Public District
PUBLIC UTILITIES	Rapid Valley Sanitary District, private septic system
DATE OF APPLICATION	2/6/2009
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 6.85 acres and is located at 501 and 583 Valley Drive. Two adjacent parcels, owned by the same party, are included in this application. Both parcels were annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north and west of the property is zoned Public District. Land located south of the property is zoned No Use District. Land located east of the property is zoned General Agriculture District. The property was zoned Limited Agriculture District by Pennington County prior to annexation.

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The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land use. Currently, two residential structures and a shop building are located on the property.

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. Two single family residences and one shop building are located on the parcels. The office for a heating and air conditioning company, owned by the property owner, is located in the residence of the large unplatted property. A residence and a commercial shop building to store equipment for the company are located on the smaller platted property. Company trucks are also stored on site. All work is done off-site. Employees park their vehicles on the property and use company trucks to travel to the work locations. As all the requirements of the Low 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 Low Density Residential Zoning District. The property is located near agricultural land use and public open space. Residential land uses are located south of the property. Due to the land uses and zoning of the adjacent properties, 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 north of residential land uses and adjacent to General Agriculture Zoning Districts. Valley Drive, a collector street on the City's Major Street Plan, is located east of the property. The property is located within the Rapid Valley Sanitary District and receives water from the Sanitary District. Currently, the properties have septic systems; however, future access to the Rapid Valley Sanitary District sewer system is available as sanitary sewer mains are located in Valley Drive. 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*

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development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.

The City's Major Street Plan identifies Valley Drive as a collector street. The Elk Vale Neighborhood Area Future Land Use Plan identifies the property as appropriate for Low Density Residential land uses.

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 March 5, 2009 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The property owner 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.