

STAFF REPORT
November 5, 2009

No. 09RZ047 - Rezoning from No Use District to Low Density Residential District **ITEM 15**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Linda and Dwight Peterson
REQUEST	No. 09RZ047 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.10 acres
LOCATION	2819 and 2826 Garden Lane
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	No Use District
East:	Suburban Residential District (Pennington County)
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment.

GENERAL COMMENTS: This developed property contains approximately 10.10 acres and is located east of South Valley Drive and south of S.D. Highway 44. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located north and east of the property is zoned Suburban Residential District by Pennington County. Land located west and south of the property is zoned No Use District. The property was zoned Suburban Residential District by Pennington County prior to annexation.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Public land uses. An application for a Comprehensive Plan

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Amendment to change the land use from Public to Low Density Residential District (#09CA027) has been submitted in conjunction with this application.

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 (#08AN011) was effective June 4, 2009. 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. A residential structure, a mobile home, garage and outbuildings are currently located on the eastern property. A residence, a garage, and two outbuildings are located on the western property. In addition, up to eight horses are located on the property during the year. The Southeast Connector Neighborhood Future Land Use Plan indicates that land located south and west of the property are appropriate for Low Density Residential land uses. The property is adjacent to property zoned Suburban Residential District by Pennington County to the north and east. Due to the adjacent land uses, the rezoning of this property appears to be appropriate and 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.*

Access to the residential property is from Garden Lane. Water and sewer are provided by Rapid Valley Sanitary District. The property is located adjacent to residential land uses. Currently, one residential structure is located on the west lot and two residential structures, including one mobile home, are located on the east lot. Both structures are allowed on the east lot as a legal nonconforming use. However, the Low Density Residential District zoning regulations do not allow mobile homes and only one structure is allowed per lot. Any changes to the property or removal of the mobile home in the future will require that the property be in compliance with the Low Density Residential Zoning District. The eight horses located on the property are also a legal nonconforming use. This use is allowed, but may not expand. If the horses are removed for a period of one year, the legal nonconforming status will no longer be valid and the use of the property must conform to the provisions of the Low Density Residential District. No significant adverse impacts resulting from the requested rezoning have been identified.

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*

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plan, community facilities plan, and others.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Public land use. A Comprehensive Plan Amendment to change the land use from Public to Low Density Residential (09CA027) has been submitted in conjunction with this Rezoning application. If the Comprehensive Plan Amendment is approved, rezoning the subject property from No Use District to Low Density Residential District will be 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 November 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.

Staff recommends that the rezoning from No Use District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment.