

STAFF REPORT
December 10, 2009

No. 09RZ044 - Rezoning from No Use District to Mobile Home Residential District **ITEM 42**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Don Smith
REQUEST	No. 09RZ044 - Rezoning from No Use District to Mobile Home Residential District
EXISTING LEGAL DESCRIPTION	Lot 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.57 acres
LOCATION	2850 Terra Street - East of Valley Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	9/29/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Mobile Home Residential District be approved in conjunction with the associated Planned Residential Development – Initial and Final Development Plan.

GENERAL COMMENTS: **(Update, November 23, 2009. All revised and/or added text is shown in bold print.) This item was continued to the December 10, 2009 Planning Commission meeting to allow the applicant to provide information for the associated Planned Residential Development. The additional information has been submitted. As such, this rezoning may be approved in conjunction with the associated Planned Residential Development.** (Update, November 10, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit information for the associated Planned Residential Development. The additional information has been submitted. As such, this rezoning may be approved in conjunction with the associated Planned Residential

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Development. This property contains 10.57 acres and is located east of 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, east and south of the property is zoned No Use District. Land located west of the property is zoned General Agriculture District by Pennington County. The property was zoned Suburban Residential District by Pennington County prior to annexation.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land use with a Planned Residential Development. An application for a Planned Residential Development – Initial and Final Development Plan (#09PD050) has been submitted in conjunction with this Rezoning 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 Mobile Home Residential Zoning District is intended to provide a district in which mobile homes may be located upon individually owned lots without adverse effects upon property values or the safety of the community or the occupants of the mobile homes. Mobile Home Parks are allowed in this zoning district through a Planned Residential Development. Mobile homes are located west and south of the property. Residential property is also located east of the property. Due to the land uses of the adjacent properties, the rezoning of this property appears 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.*

Access to the mobile home properties is from Terra Street, Scott Street, Cactus Street and E. St. Francis Street. Water and sewer are provided by Rapid Valley Sanitary District. The property is located adjacent to mobile home residential land uses. The additional review provided by a Planned Residential Development process will insure that any possible adverse impacts of development are adequately mitigated. Based on the provision of a Planned Development overlay, 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*

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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 Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land use with a Planned Residential Development. Rezoning the subject property from No Use District to Mobile Home 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 November 19, 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 certified mailings have been returned. (Revised 11-23-09)**

Staff recommends that the rezoning from No Use District to Mobile Home Residential District be approved in conjunction with the associated Planned Residential Development – Initial and Final Development Plan.