

STAFF REPORT
April 8, 2010

No. 10RZ023 - Rezoning from No Use District to Low Density Residential District **ITEM 17**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Jan Wolle, Bill Staley, Corry and Carrie Green, Petelo and Laurie Sinamoni
REQUEST	No. 10RZ023 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 5 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.97 acres
LOCATION	North of S.D. Highway 44 and School Drive and west of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Drainage (Pennington County)
South:	General Commercial District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/12/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: The property occupies approximately 0.97 acres and is located north of S.D. Highway 44 and School Drive and west of Elk Vale Road. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located to the north is owned by Pennington County for drainage purposes. Land located to the east and west is zoned No Use District. Land located to the south is zoned General Commercial District. Single family residences are currently located on the property.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property

STAFF REPORT

April 8, 2010

No. 10RZ023 - Rezoning from No Use District to Low Density Residential District **ITEM 17**

as appropriate for General Commercial land use. A Comprehensive Plan Amendment to the Future Land Use Plan (#10CA004) has been submitted to change the land use from General Commercial to Low Density Residential. On March 25, 2010, the Planning Commission recommended to the City Council that the Comprehensive Plan Amendment be approved.

STAFF REVIEW: Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.010(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. Per Section 17.26.020, all annexed lands are temporarily designated No Use District. The annexation of the property represents a changing condition that requires the rezoning of the property.

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

The Low Density Residential Zoning District is intended to be used for single-family residential development with low population densities. Additional permitted uses, by review of the Common Council, include related noncommercial, recreational, religious and educational facilities normally required to provide the basis elements of a balanced and attractive residential area. The rezoning request is made up of five individually owned lots with single family residences located on the lots. The Elk Vale Neighborhood Area Future Land Use Plan identifies the property, and surrounding property, as appropriate for General Commercial land use. A Comprehensive Plan Amendment to change the land use from General Commercial District to Low Density Residential District has been submitted in conjunction with this rezoning application. If the Comprehensive Plan Amendment is approved, then rezoning the property from No Use District to Low Density Residential District is appropriate.

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 property is from S.D. Highway 44, a principal arterial on the Major Street Plan, and by School Drive, a local street. Water and sewer services are provided by Rapid Valley Sanitary District. The rezoning request is made up of five individually owned lots with single family residences located on the lots. Staff has not identified any adverse impacts that would result from the requested rezoning.

4. *The proposed amendment 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.*

STAFF REPORT

April 8, 2010

No. 10RZ023 - Rezoning from No Use District to Low Density Residential District ITEM 17

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use. With the approval of the associated Comprehensive Plan Amendment, rezoning the property from No Use District to Low Density Residential District will be consistent with the adopted Comprehensive Plan.

Notification Requirement: The required sign has been posted on the property but, as of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 8, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to 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 associated Amendment to the Comprehensive Plan.