

STAFF REPORT
April 22, 2010

No. 10RZ032 - Rezoning from No Use District to Low Density Residential District **ITEM 12**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Department of Transportation
REQUEST	No. 10RZ032 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	The east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.27 acres
LOCATION	Adjacent to the west side of Elk Vale Road and north of School Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Pennington County Drainage
South:	General Commercial District
East:	Light Industrial (Planned Industrial Development)
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/26/2010
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 0.27 acres and is located north of S.D. Highway 44 and east of Elk Vale Road at the eastern terminus of School Drive. 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 south is zoned General Commercial District. Land to the east is zoned Light Industrial District with a Planned Industrial Development. Land located to the west is zoned No Use District. The property is void of any structural development.

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The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use. A Comprehensive Plan Amendment to the Future Land Use Plan (#10CA011) has been submitted in conjunction with this application to change the land use from General Commercial District to Low Density Residential District.

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. IN accordance with 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 zoning 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 basic elements of a balanced and attractive residential area. The property is currently void of any structural development. 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, the requested rezoning of 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.*

The property is accessed from South Dakota Highway 44, a principal arterial on the Major Street Plan, and by School Drive, a local street. The property was acquired by the South Dakota Department of Transportation to accommodate the reconstruction of Elk Vale Road. Water and sewer services are provided by Rapid Valley Sanitary District. The property is currently void of structural development. Staff has not identified any significant 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.*

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

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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 22, 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.