

STAFF REPORT

June 24, 2010

No. 10RZ041 - Rezoning from No Use District to Low Density Residential District **ITEM 22**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	N/A
REQUEST	No. 10RZ041 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	Blocks 1, 2, 5 and 6 and Lots 1 thru 6 of Block 3 all of Rapid Valley Subdivision, the 20 foot wide East St. Francis Street right-of-way located adjacent and north of Block 5, the 40 foot wide East St. Francis Street right-of-way located north of Block 6, Sedivy Lane located west and adjacent to Block 5, the 20 foot wide Pecan Lane located adjacent to Lots 10 thru 12 of Block 2 and the 40 foot wide Pecan Lane located adjacent to Lots 1 thru 6 of Block 3 and Lots 13 thru 18 of Block 2 and Lot 1 of Block 5 and Lot 12 of Block 6, and the 40 foot wide Olive Lane, all located in Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots 1 thru 10 of Long Acre Square Subdivision and Long Acre Drive, and Blocks 1 thru 2 of Sedivy Subdivision and Blanche Drive and Garden Lane, and East St. Patrick Street right-of-way located north of Rapid Valley Subdivision, all located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots 1 thru 21 of Eden Gardens Addition and Eden Lane and Garden Lane, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Lot B of Lot 2, Lot A of Lot 2 thru 3, Lot 3D of Lot 3, Lot W of Lot 8B and Lot 1 of Lot 9B, all of the SW1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 47.16 acres
LOCATION	East and west of Valley Drive and south of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District - General Commercial District (Planned Commercial Development) - Suburban

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South: Residential Dist (Pennington County)
No Use District - Medium Density Residential District
(Planned Residential Development) - Suburban
Residential District (Pennington County)

East: General Agriculture District - General Agriculture District
(Pennington County) - Low Density Residential District

West: Suburban Residential District (Pennington County) -
General Commercial District (Planned Commercial
Development) - General Agriculture District

PUBLIC UTILITIES Rapid Valley Sanitary District

DATE OF APPLICATION 6/3/2010

REVIEWED BY Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved.

GENERAL COMMENTS: The developed properties contain approximately 47.16 acres and are located east and west of South Valley Drive and south of S.D. Highway 44. The properties were annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located north of the property is zoned General Commercial District, General Commercial District with a Planned Commercial Development and Suburban Residential District by Pennington County. Land located east of the property is zoned General Agriculture District, Low Density Residential District and General Agriculture District by Pennington County. Land located south of the property is zoned No Use District and Medium Density Residential District with a Planned Residential Development by the City of Rapid City, and Suburban Residential District by Pennington County. Land located west of the property is zoned General Agriculture District, General Commercial District with a Planned Commercial Development and Suburban Residential District by Pennington County. The properties were zoned Suburban Residential District by Pennington County prior to annexation.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the properties as appropriate for Low Density Residential land uses.

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

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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. This area includes single family structures, mobile homes, garages, outbuildings and a greenhouse business. The Southeast Connector Neighborhood Future Land Use Plan indicates that the land is appropriate for Low Density Residential land uses. The property is adjacent to property zoned Suburban Residential District by Pennington County to the north, south and west. 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 South Valley Drive, a principal arterial street on the City's Major Street Plan. Water and sewer are provided by the Rapid Valley Sanitary District. Currently, approximately ten mobile homes are located on the property and are allowed as a legal nonconforming uses. As mobile homes are not allowed in the Low Density Residential Zoning District, 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 greenhouses and related commercial uses located on the property are also a legal nonconforming use. This use is allowed to continue, but may not expand. If the business or greenhouses 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.

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 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 Low Density Residential. Rezoning the subject property from No Use District to Low Density Residential District is consistent with the adopted Comprehensive Plan. A portion of the property south of Garden Lane and west of South Valley Drive is located within the Federally Designated 100 year Floodplain. As such, any new construction will need to obtain a Floodplain Development Permit. The Federal Emergency Management Agency has proposed new maps that are currently under review. These new maps are identical to the currently adopted maps for this area.

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 June 24, 2010 Planning Commission meeting if this requirement has not been met. Notification of the proposed rezoning from No Use District to Low Density Residential District

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was sent to all affected property owners. Staff has received two inquiries but no 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.