

STAFF REPORT
December 5, 2013

No. 13RZ028 - Rezoning from Public District to Medium Density Residential District **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Scott Engmann - Black Hills Habitat for Humanity
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Garfield School LLC
REQUEST	No. 13RZ028 - Rezoning from Public District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Block 76 of North Rapid Addition No. 2, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.41 acres
LOCATION	925 Dilger Avenue
EXISTING ZONING	Public District
FUTURE LAND USE DESIGNATION	Public
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	November 8, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning from Public District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Public District to Medium Density Residential District. In addition, the applicant has submitted an Amendment to the Comprehensive Plan to change the future land use designation of the property from Public to Residential.

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The property is located on the north side of East Van Buren Street between North 7th Street and Dilger Street and on the south side of Custer Street. The property is the site of the former Garfield Elementary School.

STAFF REVIEW:

Staff has reviewed this proposed rezoning request 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 districts affected, or in the city generally.*

Garfield Elementary School closed in 2001. The property is no longer owned by Rapid City Area Schools and is under private ownership. The change in ownership constitutes a changed condition.

2. The proposed amendments shall be consistent with the intent and purposes of this title.

The Rapid City Municipal Code states that the Medium Density Residential District is established to provide for medium to high population density and recreational, religious and educational facilities, and other related uses in keeping with the residential character of the district. The applicant has also submitted an Amendment to the Comprehensive Plan to change the future land use designation of the property from Public to Residential. The properties located to the north, east and south are also zoned Medium Density Residential District. The properties to the west are zoned Low Density Residential District. In addition, the property is no longer owned by Rapid City Area Schools and is under private ownership. It appears that the rezoning request is consistent with the intent and purpose of the Zoning Ordinance.

3. *The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.*

The property is currently zoned Public District and is the location of Garfield Elementary School which closed in 2001. The applicant has also submitted an Amendment to the Comprehensive Plan to change the future land use designation from Public to Residential. Properties to the north, south and east are also zoned Medium Density Residential District. It does not appear that the proposed rezoning will have a direct or indirect adverse effect on any other part of the City.

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 property is served by Rapid City water and sewer. The applicant should be aware that the property is bordered by 6 inch water mains located in North 7th Street and Dilger Avenue. Staff suggests that the applicant submit a Master Plan for any proposed

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redevelopment to ensure that the existing water mains will provide adequate flows for fire protection. In addition, the applicant should be aware that the property is located along the division between the Morningside Drainage Basin and the Haines Avenue Drainage Basin. Redevelopment of the property must take into account that inter-basin transfers of stormwater are not allowed.

Summary: Garfield Elementary School closed in 2001. The property is no longer owned by Rapid City Area Schools and is under private ownership. The proposed rezoning is located adjacent to property that is also zoned Medium Density Residential District. The applicant has also submitted an Amendment to the Comprehensive Plan to change the future land use designation from Public to Residential. In addition, the rezoning request is in compliance with the four criteria for review of Zoning Map amendments established in Section 17.54.040(D)(1) of the Rapid City Municipal Code. For these reasons, staff recommends that the proposed rezoning request be approved in conjunction with the associated Comprehensive Plan Amendment.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the December 5, 2013 Planning Commission meeting if this requirement has not been met.