



Rapid City Planning Commission

Rezoning Project Report

August 27, 2015

Applicant Request(s)
Case # 15RZ015: a request to rezone property from No Use District to Low Density Residential District I
Companion Case(s) #: 15AN001 - a petition for annexation of 1.0 acres

Development Review Team Recommendation(s)
The Development Review Team recommends that the request to rezone property from No Use District to Low Density Residential District I be approved.

Project Summary Brief

(Update September 1, 2015. All revised and/or added text is shown in bold.) Additional information and a correction have been provided for review by the City Council at the request of staff. In particular, the legal description clarifies that the westernmost 33' section line of right-of-way beginning at the southwest corner of the NW1/4 extending north approximately 200 ft. is to be rezoned. The City is requesting to rezone approximately 1.0 acres of property from No Use District to Low Density Residential District I. The property owner has submitted an annexation petition which will be reviewed contemporaneously with this rezone request. Annexation of the property is a condition of a water connection agreement prepared by the City Attorney's Office. The agreement is being reviewed by Public Works and shall be signed by January, 2016. Today the property is located in Pennington County and has a zoning designation of General Commercial. The property is developed with a single family residence and a series of outbuildings. A mobile home located on the property would come into the City as a legal non-conforming use. The applicant has been notified that the use cannot be expanded upon, or replaced if destroyed. The applicant intends to continue the single family residential use on the property.

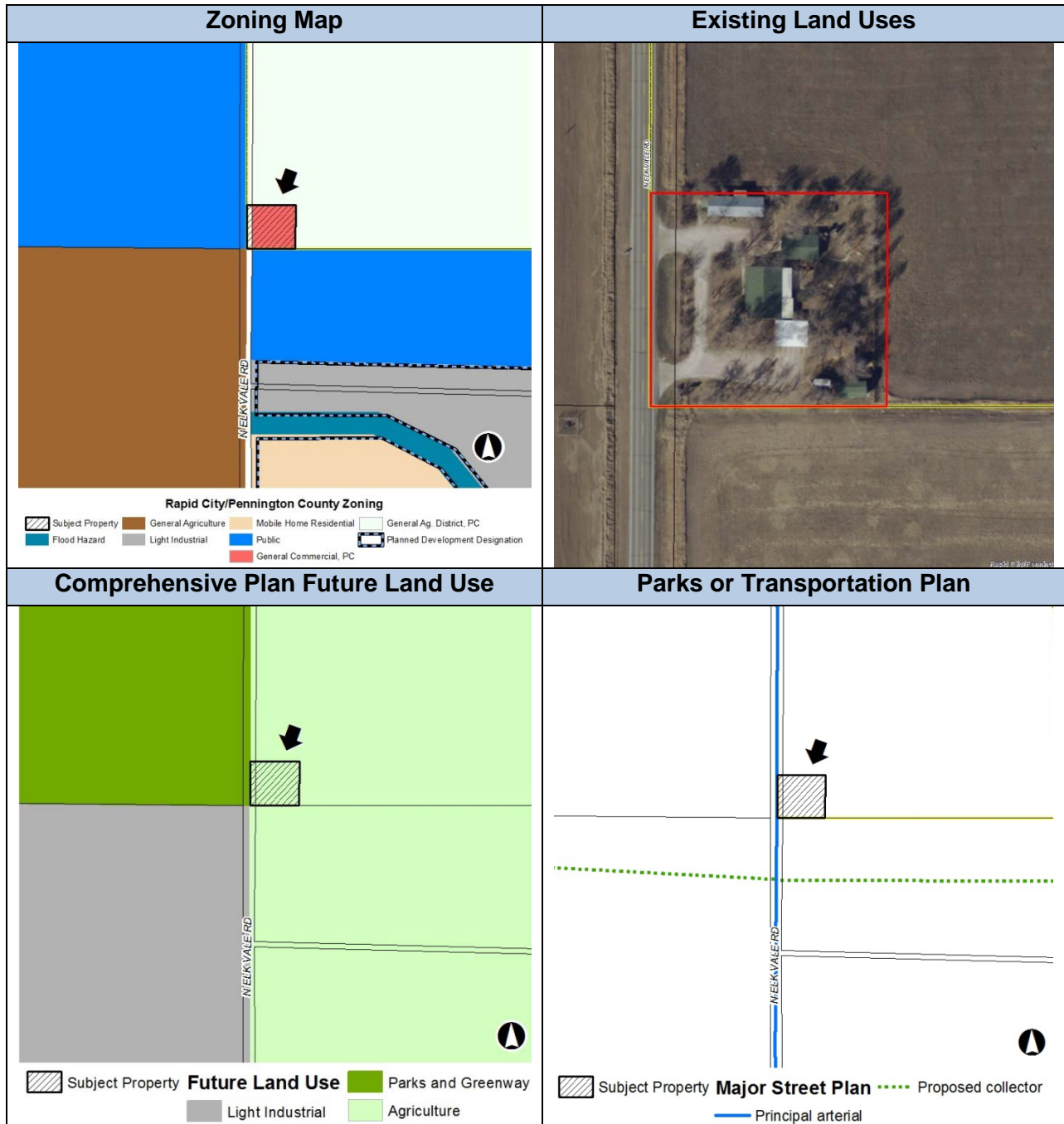
Applicant Information	Development Review Team Contacts
Applicant: Beverly Maxson	Planner: Sarah Hanzel
Property Owner: Same	Engineer: Dan Kools
Architect: N/A	Fire District: Denny Gorton
Engineer: N/A	School District: Janet Kaiser
Surveyor: N/A	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
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Address/Location	3400 N. Elk Vale Road
Neighborhood	Ellsworth Neighborhood
Subdivision	N/A
Land Area	1.0 acre
Existing Buildings	Single family residence and outbuildings
Topography	Generally level
Access	Country Road
Water Provider	Private
Sewer Provider	Private
Electric/Gas Provider	West River Electric Association/Montana Dakota Utilities
Floodplain	None identified
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC – Pennington County	Ag	Single family residence, a mobile home, and outbuildings
Adjacent North	GA – Pennington County	Ag	Void of structural development
Adjacent South	Public District	Ag	Void of structural development
Adjacent East	GA – Pennington County	Ag	Void of structural development
Adjacent West	Public District	PG	Athletic fields



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
Low Density Residential District I	Required	Existing	
Lot Area	6,500 sq ft minimum	43,560 sq ft	
Lot Frontage	50 ft	Approximately 200 ft	
Maximum Building Heights	3 stories, 35 ft	Appears < 35 ft	
Maximum Density	30%	Appears < 30%	
Minimum Building Setback:			
• Front	20 ft	Approximately 60 ft	
• Rear	25 ft to primary structure. 5 ft to accessory structures	Greater than 25 ft to primary structure. Appears > 5 ft to accessory structures	
• Side	8 ft/ 8ft	Unknown, greater than 8 ft to primary structure	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	2 per dwelling unit	2+ per dwelling unit	
• # of ADA spaces	N/A	N/A	
Signage	Pursuant to RCMC	None proposed	
Fencing	Pursuant to RCMC	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.040.D of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to Rezone:	
Criteria	Findings
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.	An annexation petition for the property (15AN001) is being reviewed contemporaneously. 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 amendments shall be consistent with the intent and purposes of this title.	The purpose of the Low Density Residential District I is for single-family residential development with low population densities. The property has been in use as a single family residence for a number of years. The proposed amendment is consistent with the intent of the 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 requested rezone will not result in additional development on the property and is to allow a currently existing use to remain on the property. Property in all directions contains undeveloped land and or public parks and greenway uses. The amendment will not adversely affect any other part of the City.
4. The proposed amendments shall be consistent with and not in	The Rapid City Future Land Use Map shows that this area is appropriate as Agriculture. The Low Density Residential

<p>conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan and others.</p>	<p>District I is a typical zoning district located within an Agriculture land use designation. A City water main is being extended to the area along N. Elk Vale Road. The future development of Dakota Fields Sports Complex is planned to be located adjacent to the property on the west. The property is located on a Principal Arterial on the Major Street Plan. It appears that the proposed amendment is consistent with and does not conflict any Rapid City development plans.</p>
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Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	<p>A Balanced Pattern of Growth</p>
<p>BPG-3.2A</p>	<p>Mix of Housing Types: The requested rezone will allow the existing single family residence to continue to be used on the property. This contributes to the overall diversity of housing stock in the City.</p>
	<p>A Vibrant, Livable Community</p>
<p>LC-3.1A</p>	<p>N/A</p>
	<p>A Safe, Healthy, Inclusive, and Skilled Community</p>
<p>N/A</p>	<p>N/A</p>
	<p>Efficient Transportation and Infrastructure Systems</p>
<p>N/A</p>	<p>N/A</p>
	<p>Economic Stability and Growth</p>
<p>EC-3.2D</p>	<p>Residential Development in Existing Infrastructure and Service Areas: The requested rezone will allow an existing single family residence to continue to be used and to utilize City infrastructure that is being extended into the area.</p>
	<p>Outstanding Recreational and Cultural Opportunities</p>
<p>N/A</p>	<p>N/A</p>
	<p>Responsive, Accessible, and Effective Governance</p>
<p>GOV-2.1A</p>	<p><u>Public Input Opportunities</u>: The rezone requires notification of surrounding property owners and posting of a sign on the property. These notification requirements allow public input into the associated rezoning of the property. As of this writing, there have been no inquiries into the requested rezone.</p>

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):		Agriculture
Design Standards:		
N/A		N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Ellsworth Neighborhood
Neighborhood Goal/Policy:	
EW-NA1.1C:	<u>Annexation</u> : Require the annexation of contiguous properties within the City's Urban Services Boundary when development occurs.
EW-NA1.1E	<u>Urban Services</u> : Allow the extension of City infrastructure within the Urban Services Boundary to serve new and existing development.

The Development Review Team Recommends that the request to rezone property from General Commercial District to Medium Density Residential District be approved for the following reasons:

•	The property has been developed with a single family residence for a number of years.
•	The applicant intends to continue the existing single family residential use on the property as her primary residence.
•	No additions, expansion, or alterations of the existing single family residence are proposed for the property.
•	The Agriculture designation is seen as an appropriate land use designation for large lot, single family residences and agricultural buildings such as barns.
•	The legal description on the annexation resolution clarifies that the westernmost 33' section line of right-of-way beginning at the southwest corner of the NW1/4 extending north approximately 200 ft. is to be annexed.

Staff recommends that the requested rezone from No Use District to Low Density Residential District I be approved.