

STAFF REPORT

May 24, 2001

No. 01RZ010 - Rezoning from No Use District to Low Density Residential District **ITEM 30**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 01RZ010 - Rezoning from No Use District to Low Density Residential District
LEGAL DESCRIPTION	Lot 13 of Block 2, North Lot of Block 3 of Cleghorn Canyon Subdivision No. 2 and Lot F4 of Fish Hatchery Subdivision, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .69 Acres
LOCATION	5100 Cleghorn Canyon Road
EXISTING ZONING	No Use District (City)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Limited Agriculture District (County)
East:	Park Forest/Flood Hazard (City)
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	Rapid Canyon Sewer District and Rapid City Water
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low Density Residential District in conjunction with a Planned Development Designation be **approved for Lot 13 of Block 2 of Cleghorn Canyon Subdivision and denied for "North Lot" of Block 3 of Cleghorn Canyon Subdivision and Lot F4 of Fish Hatchery Subdivision.**

GENERAL COMMENTS: **This Staff Report has been revised as of May 10, 2001. New or revised text is shown in bold print.** This property was annexed into the City in 1998 and is currently designated as a No Use Zoning District. The City is requesting that this property be rezoned to Low Density Residential with a Planned Development Designation. The Future Land Use Committee has reviewed this area and recommends that the property be zoned Low Density Residential with a Planned Development Designation.

Staff has reviewed the base flood elevations for this property. The "North Lot", Lot F4 and part of Lot 13 are located within the 500 year floodplain elevations. The Resolution Establishing a Rapid Creek Floodplain Policy adopted September 27, 2000 states that when applying the Flood Hazard Zoning District to private property, the

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limits of the district shall match the boundaries of the 500 year floodplain on all properties upstream of the Chapel Lane Road bridge. In accordance with this policy, Staff is recommending that Lot 13 be zoned Low Density Residential if the Planning Commission wishes to make an exception to the Floodplain Policy for a small portion of Lot 13. Based on the adopted policy resolution the North Lot and Lot F4 should be zoned Flood Hazard District. The property owner does not concur with the recommendation for the North Lot and Lot F4 as he has some concerns regarding the potential use of his property if zoned Flood Hazard.

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 districts affected or in the City in general.

This property is located at the entrance of Cleghorn Canyon. The property was annexed into the City in 1998, and designated as a No Use Zoning District. The Cleghorn Canyon neighborhood was developed in the 1930's and approximately 65 dwelling units are located in the area. The majority of the existing lots are smaller than three acres in size. A major drainage way is located on the west side of the subject property and is federally designated floodplain. At this time there is only one public access into the canyon.

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

The Low Density Residential Zoning District designation will allow additional development if all standards for access and utilities can be met. The existing lot sizes in the area also meet the zoning regulations for Low Density Residential. The Planned Development Designation will insure that the concerns regarding the number of dwelling units currently existing in the canyon, the high wild land fire danger, the single public access into the canyon, and the federally designated floodplain can be addressed.

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 an amendment.

Provided the associated Planned Development Designation request is approved, no adverse impacts are anticipated. The additional review provided by the Planned Residential Development process will insure that any possible adverse impacts are adequately mitigated with any future developments. Private water and on-site waste water systems serve the majority of the area, although public sewer and water are available at the entrance of the canyon.

4. The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street plan, Land Use Plan and Community Facilities Plan.

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The Future Land Use Committee reviewed this area and recommended that the area be zoned Low Density Residential with a Planned Residential Development. The Planned Residential Development overlay will mitigate any significant impact that further development could have on the surrounding properties.

The certified mailings have been returned and the sign posted on the property. Staff has received several calls concerned with the flood hazard area and any potential future development in the area.