

STAFF REPORT

April 20, 2006

No. 06CA009 - Amendment to the Comprehensive Plan to change the land use designation from Flood Hazard to Park Forest **ITEM 19**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06CA009 - Amendment to the Comprehensive Plan to change the land use designation from Flood Hazard to Park Forest
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE1/4SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Said parcel bears N10°05'26"W a distance of 814.22 feet from the southeast corner of Lot 2, marked with a 5/8" rebar with survey cap "LS 4371", of Tittle Springs Subdivision Commencing at the point of beginning: Thence First Course: along a line with a bearing of N89°21'58"W and a distance of 50.00 feet; Thence Second Course: along a line common to Lots 5 and 6 of Tittle Springs Subdivision a bearing of N00°31'31"E and a distance of 44.09 feet; Thence Third Course: along said 500-year flood boundary line a bearing of S82°43'30"E and a distance of 9.86 feet; Thence Fourth Course: along said 500-year flood line a bearing of S83°29'39"E and a distance of 14.28 feet; Thence Fifth Course: along said 500-year flood line a bearing of S72°02'10"E and a distance of 11.45 feet; Thence Sixth Course: along said 500-year flood line a bearing of S78°26'08"E and a distance of 9.22 feet; Thence Seventh Course: along said 500-year flood line a bearing of S68°50'57"E a distance 3.22 feet; Thence Eighth Course along said 500-year flood line a bearing of S64°03'45"E a distance of 3.16 feet; Thence Ninth Course: along the line common with Lots 4 and 5 of Tittle Springs Subdivision with a bearing of S00°31'31"W a distance of 34.43 feet to the point the beginning. Said parcel of land contains 2.021.6 square feet or 0.0464 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE1/4 of the SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.</p>
PARCEL ACREAGE	Approximately 0.0464 acres
LOCATION	6201 Magic Canyon Road

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EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District (Pennington County) - Suburban Residential District (Pennington County)
East:	Flood Hazard District
West:	Park Forest District - Flood Hazard District
PUBLIC UTILITIES	Private water/ City sewer
DATE OF APPLICATION	3/24/2006
REVIEWED BY	Karen Bulman / Bob Dominicak

RECOMMENDATION: Staff recommends that the Amendment to the Comprehensive Plan to change the land use designation on a .0494 acre parcel from Flood Hazard to Park Forest be approved.

GENERAL COMMENTS: The subject property was part of an annexation of property on the west side of Rapid City in October 1973. Subsequently, the property was zoned Flood Hazard District. The adopted 1974 Comprehensive Plan identifies this property as Floodway.

On May 5, 2005, the Planning Commission authorized the submission of a rezoning application and an Amendment to the Comprehensive Plan to change the land use from Flood to Park Forest on the above described property. On June 2, 2005, the Planning Commission approved the request to rezone the subject property in conjunction with the associated Amendment to the Comprehensive Plan with the stipulation that prior to City Council approval, the property owner submits a revised legal description identifying the boundaries of the Rezoning from Flood Hazard District to Park Forest District as including only that property located outside of the 100 and 500 year hydraulic floodplain. On August 15, 2005, the City Council denied the request to rezone the subject property as the stipulation of approval had not been met.

The property owner has now submitted additional information indicating that the subject property is located outside the boundaries of the 100 year and 500 year hydraulic floodplain. On March 23, 2006, the Planning Commission authorized submission of the rezoning application and the Amendment to the Comprehensive Plan to change the land use from Flood to Park Forest on the above described property.

The City Council adopted a Resolution Establishing a Rapid Creek Floodplain Policy in June 1993. This policy was revised in 1997 and again in 2000. The adopted Resolution Establishing a Rapid Creek Floodplain Policy as revised on September 27, 2000 states that the Flood Hazard Zoning District boundary, as applied to private property upstream of the

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Chapel Lane Road Bridge, should match the boundaries of the 500 year floodplain. On properties downstream from the Chapel Lane Road Bridge, the boundaries are to match the 100 year hydraulic floodway. The engineering survey completed by Britton Engineering identifies that the subject property is located outside the hydraulic floodway and outside the 100 year and 500 year hydraulic floodplain.

The .05 acre property is located approximately 1,800 feet southwest of the intersection of Magic Canyon Road and S.D. Highway 44 on the south side of Magic Canyon Road. Currently, a single family residence and a garage are located on the property. Land located south of the subject property is zoned General Agriculture District and Suburban Residential District in Pennington County. Land located north of the subject property is zoned Park Forest District. Land located east of the subject property is zoned Flood Hazard District. Land located west of the subject property is zoned Park Forest District and Flood Hazard District. A request to rezone the subject property from Flood Hazard District to Park Forest District (06RZ007) has been submitted in conjunction with this Amendment to the Comprehensive Plan request by the City.

STAFF REVIEW: The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

Staff has reviewed this proposed Comprehensive Plan Amendment for conformance with the six criteria for review of comprehensive plan amendments established in Section 2.60.160(D). A summary of Staff findings are outlined below:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

The adopted Resolution Establishing a Rapid Creek Floodplain Policy as revised on September 27, 2000 states that the Flood Hazard Zoning District boundary as applied to private property upstream of the Chapel Lane Road Bridge should match the boundaries of the 500 year floodplain. Based on data provided by Britton Engineering, the subject property is located out of the hydraulic floodway and out of the 100 year and 500 year hydraulic floodplain. The proposed change on the property meets the intent of the comprehensive plan and the Rapid Creek Floodplain Policy.

2. *Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property.*

The property owner submitted a survey of the subject property by Britton Engineering indicating that the property is located outside of the hydraulic floodway and the 100 year and 500 year hydraulic floodplain. The engineering survey verifies that the property is no longer located within the floodway or floodplain boundaries and warrants the change in the Comprehensive Plan.

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3. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.*

A single family structure with a garage is located on site. Other uses that may occur in Park Forest land uses, other than a residence and private garage, may include private residential garage, parks, playgrounds, historical monuments, or tree or plant nurseries all with a Conditional Use Permit. Based on the Flood Policy adopted by the City Council, the change is compatible with the existing uses located adjacent to the subject property.

4. *Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation.*

Staff can identify no significant adverse affects that would result from the proposed Comprehensive Plan Amendment.

5. *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

The subject property is the location of a single family residence and garage. A proposed addition to the garage may be constructed in the future. The proposed amendment will allow the property owner the ability to expand the use of his property. A FEMA Elevation Certificate for any new building, verifying that the bottom floor elevation is above the 500 year flood elevation, will be required at the submission of any building permit request.

6. *Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.*

The Rapid Creek Floodplain Policy identifies the Flood Hazard Zoning District as being appropriate for all public and private property within the boundaries of the 500 year floodplain upstream of the Chapel Lane Road Bridge. Based on the information submitted by Britton Engineering, the subject property is located outside of the 100 year and the 500 year floodplain. As such, this request is consistent with the adopted Floodplain Development Policy.

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 April 20, 2006 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.