

STAFF REPORT
October 26, 2006

No. 06RZ046 - Rezoning from No Use District to Low Density Residential District **ITEM 38**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ046 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	The fifty foot of West Nike Road right-of-way located north of Government Lot 4 and west of Lot 4, Four-M Subdivision, and south of Tracts 2 thru 5, Sletten Addition, all located in the SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the "Plat of A Portion of Sletten Addition, including Lot B revised (which includes Lot A); Tract 3 (which includes Lot A); Tracts 1, 2, 4 and 5 and Dedicated Public-Right-of-Way; all located in Government Lot 3 (NW1/4 of SW1/4) of Section 18, T2N, R8E, BHM, Pennington County, South Dakota"
PARCEL ACREAGE	Approximately 2.147 acres
LOCATION	The West Nike Road Right-of-Way
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	NA
DATE OF APPLICATION	9/28/2006
REVIEWED BY	Rodney Proffitt / Todd Peckosh

RECOMMENDATION:

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

GENERAL COMMENTS:

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This property is right-of-way. It contains approximately 2.1467 acres more or less. This right-of-way is West Nike Road south of the Sletten Addition. The subject property was annexed last year (05AN004). The property has been annexed and is currently zoned No Use District. Land located north of the subject property is in the County and zoned General Agriculture. The property located east of the subject property is in the County and zoned Low Density Residential. Land located west and south of the subject property is zoned Low Density Residential District with a Planned Residential Development designation.

The property is located in the Northeast Area Neighborhood Future Land Use Area. The future land use appropriate to this property according to the Plan is for Public use with an alternative use as Planned Residential Development with a maximum density of 2.5 dwelling units per acre.

The City submitted this request to change the present zoning for this right-of-way from No Use to Low Density Residential.

STAFF REVIEW:

Staff reviewed this proposed rezoning for conformance with the four (4) criteria established in Section 17.54.040(D)(1) for zoning map amendments. A summary of Staff findings follow:

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.*

The subject property was annexed into the City on October 13, 2005. Upon annexation, the property is designated as "No Use" District until the appropriate rezoning can occur. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use to Low Density Residential District.

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

The subject property is located in the Northeast Neighborhood Area Future Use Plan. The Plan states that Public Use is most appropriate, and offers that Planned Residential Development with a maximum density of 2.5 dwelling units per acre as an alternative use if the land is not acquired for public purposes. The proposed change appears to be consistent with the intent and purpose of the City's Zoning 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 an amendment.*

Staff has not identified any significant adverse effects that would result by rezoning the subject property from No Use District to Low Density Residential District.

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 subject property is an existing right-of-way recognized in the Major Street Plan as a proposed collector street.

The Comprehensive Land Use Plan states that this area is appropriate for Public Uses with an alternative use of Planned Residential Development with a maximum density of 2.5 dwelling units per acre. The requested rezoning does not conflict with the Rapid City Future Land Use Plan and its elements.

The staff has verified the sign has been posted on the property; however, the green receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the Planning Commission meeting if the receipts are not returned prior to the meeting.