

STAFF REPORT
January 4, 2007

No. 06RZ052 - Rezoning from No Use District to Low Density Residential District **ITEM 26**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ052 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	All of the eastern most 33 feet of section line right-of-way lying south of the Railroad Right-of-Way located in the SE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, also known as Jolly Lane; and all of the dedicated right-of-way adjacent to Lots 1 thru 9 of Lot A of the E1/2 of the SE1/4, also known as Martin Lane, located in Section 9; and all of the western most 33 feet of section line right-of-way located in the SW1/4 of Section 10, lying south of the Railroad right-of-way directly east of Lots 1 thru 9 of Lot A of the E1/2 of the SE1/4, located in Section 9, and all of the dedicated right-of-way adjacent to Lots 1 thru 9 of Helmens Subdivision, also known as Toni Lane, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and all of the section line right-of-way adjacent to Lots 1 thru 9 of Helmens Subdivision located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	Southwest of the intersection of Jolly Lane and East S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	NA
DATE OF APPLICATION	10/27/2006
REVIEWED BY	Rodney Proffitt / Todd Peckosh

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RECOMMENDATION:

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

GENERAL COMMENTS:

This property is a segment of Jolly Lane, an existing roadway, located just south of East S.D. Highway 44, and includes Toni Lane and Martin Lane. The subject property is approximately one acre more or less. The subject property was annexed into the City of Rapid City effective December 3, 2004 (04AN012) at the request of Pennington County. Property adjoining the roads that make up the subject property is zoned Low Density Residential District. Applications are pending to rezone other parts of this same roadway in conjunction with this application (06RZ048, 06RZ063 and 06RZ064).

This request will change the present zoning from No Use District to Low Density Residential District.

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.*

The subject property was annexed into the City on December 3, 2004. Upon annexation, the property was designated as "No Use" District. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use District to Low Density Residential District.

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

The Low Density Residential Zoning District is intended to be used for single-family residential development with low population densities. The subject property is located in an area with active new residential development. The subject property is located adjacent to a Low Density Zoning Residential District and a Low Density Residential II Zoning District and will serve these areas. Water and sewer are available and will be extended as development occurs.

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.*

Jolly Lane is an existing roadway recognized in the Long Range Transportation Plan as a collector street. The subject property is located adjacent to a Low Density Residential Zoning District. It is important for cities to classify areas of the city as appropriate for

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residential use. 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.*

The Comprehensive Long Range Land Use Plan identifies this area as appropriate for residential land uses. Jolly Lane, Toni Lane and Martin Lane are existing roadways. Jolly Lane is recognized in the Long Range Transportation Plan as a collector street and provides access to East S.D. Highway 44. Rezoning this property from No Use District to Low Density Residential District appears to be appropriate.

The required sign was posted on the property on December 13, 2006. The green card receipts from the certified mailing have not been returned as of this writing. Staff will notify the Planning Commission at its meeting on January 4, 2007 if the receipts have not been returned prior to the meeting.

Staff recommends the application to rezone the subject property from No Use District to Low Density Residential District be approved.