

STAFF REPORT
February 8, 2007

No. 07RZ001 - Rezoning from No Use District to Medium Density Residential District **ITEM 19**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 07RZ001 - Rezoning from No Use District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	The north 405.96 feet strip of land, 33 feet wide adjacent to the easterly boundary of the SE1/4 of the NE1/4, located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Less than one acre
LOCATION	West of Haines Avenue and north of Country Road West
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	No Use District
East:	Medium Density Residential District (Planned Residential Development)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	12/08/2006
REVIEWED BY	Rodney Proffitt / Mary Bosworth/ Jonathan Smith

RECOMMENDATION:

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

GENERAL COMMENTS: **This item was continued at the January 4, 2007 Planning Commission meeting to allow the application to be legally advertised. This staff report has been revised as of January 30, 2007. All revised and/or added text is shown in bold print.**

The property proposed to be rezoned was section line highway located just west of Auburn Hills Subdivision. The area to be rezoned includes less than one acre, and is presently undeveloped. The subject property was annexed into the City of Rapid City effective September 4, 2005 (05AN008). Property located north and west of this property is located outside the corporate limits of the City and is zoned General Agriculture District. Property located east of the subject

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property is zoned Medium Density Residential District with a Planned Residential Development. Property located south is zoned No Use District. Applications for rezoning other segments of this same section line highway are pending in conjunction with this application (06RZ069 and 06RZ070). There is also a request pending to change the Long Range Comprehensive Plan future land use designation from Agriculture to Residential (06CA052). **The request to change the Long Range Comprehensive Plan future land use designation from Agriculture to Residential was approved by the Planning Commission at its January 4, 2007 meeting.**

This request will change the present zoning of the property from No Use District to Medium 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 September 4, 2005. Upon annexation, the property was designated as "No Use" District. The property is located just west of Auburn Hills Subdivision. The annexation of this property and the development of adjacent land constitutes the changing conditions that necessitates a change of zoning from No Use District to Medium Density Residential District.

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

The Medium Density Residential Zoning District is intended to provide for medium to high population density. The subject property is located in an area with active new residential development. The subject property is located adjacent to a Medium Density Residential District and a Low Density Residential District. As development occurs, this section line highway will become street access for the area.

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.*

Development issues, including drainage, traffic, landscape buffers, and any other issues, will be addressed at the time development occurs. It is important for cities to classify areas of the city as appropriate for residential use. Staff has not identified any significant adverse effects that would result by rezoning the subject property from No Use District to Medium 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 Long Range Comprehensive Plan identifies this area as appropriate for agriculture land

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uses, but an application to amend the Plan is pending (06CA052), which will make this area appropriate for residential land uses. Rezoning the subject property from No Use District to Medium 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 has received two inquiries about this application, but no objections as of this writing.

Staff recommends the application to rezone the subject property from No Use District to Medium Density Residential District be continued to the January 25, 2007 Planning Commission meeting to allow the application to be legally advertised.

Because of a discrepancy in the legal description this item was continued to allow for the required legal re-noticing to take place. As of this writing six of the eleven green cards receipts from the certified mailings have been returned. Staff with notify the Planning Commission as it is meeting on February 8, 2007 if all of the receipts have not been returned prior to the meeting.

Staff recommends the application to rezone the subject property from No Use District to Medium Density Residential District be granted by Planning Commission.