

STAFF REPORT
February 8, 2007

No. 07RZ002 - Rezoning from No Use District to Low Density Residential District **ITEM 20**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 07RZ002 - Rezoning from No Use District to Low Density Residential District
EXISTING LEGAL DESCRIPTION	A 33 foot wide strip of land adjacent to the easterly boundary of Section 14 beginning 430.21 feet north of the southeast corner of the NE1/4 of the SE1/4 and ending 405.96 feet south of the northeast corner 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:	No Use District
South:	No Use District
East:	Low Density Residential District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	10/08/2007
REVIEWED BY	Rodney Proffitt / Mary Bosworth/ Jonathan Smith

RECOMMENDATION:

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

This property is a section line highway located just west of Auburn Hills Subdivision. It contains approximately one acre more or less, and is not developed. The subject property was annexed into the City of Rapid City effective September 4, 2005 (05AN008). Property located west of this

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property is not located in the corporate limits of the City and is zoned General Agriculture District. Property located east of the subject property is zoned Low Density Residential District. Property located south and north of the section line highway is zoned No Use District. Other applications to rezone segments of this same section line highway are pending (06RZ068 and 06RZ070). A request to amend the Long Range Comprehensive Plan from Agriculture to Residential is also pending (06CA052) for this segment of road.

This rezoning request will change the present zoning for this property 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 is 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 a "No Use" District. The property is just west of Auburn Hills Subdivision. The annexation of this property and the development occurring in Auburn Hills Subdivision constitutes the changing conditions that necessitate 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 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.*

The subject property is located adjacent to a Low Density Residential District. Water and sewer will be available to the subject property as development occurs. As development occurs, this section line highway will become street access for the area. 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 Long Range Comprehensive Plan identifies this area as appropriate for agriculture land uses, but an application to amend the Plan to make this area appropriate for residential land uses is pending (06CA052). Rezoning the subject property from No Use District to Low Density Residential District does not appear to conflict with the Long Range Comprehensive Plan.

The required sign was posted on the property on December 13, 2006. The green card receipts from the certified mailing have not been returned. 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 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 that the application to rezone the subject property from No Use District to Low Density Residential District be granted by Planning Commission.