

STAFF REPORT
May 22, 2008

No. 08RZ014 - Rezoning from No Use District to Public District

ITEM 35

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08RZ014 - Rezoning from No Use District to Public District
EXISTING LEGAL DESCRIPTION	Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.51 acres
LOCATION	North of West Nike Road and east of Cobalt Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District (Planned Residential Development)
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	4/25/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Public District be approved.

GENERAL COMMENTS: This undeveloped property contains approximately 0.51 acres and is located northeast of the intersection of West Nike Road and Cobalt Drive. The property was annexed effective January 31, 2008 (File #07AN006) and is currently zoned No Use District. Land located north and east of the property is zoned General Agriculture District by Pennington County. Land located south and west of the property is zoned Low Density Residential District with a Planned Residential Development. The Northeast Area Neighborhood Future Land Use Plan indicates that this area may be appropriate for Public land use with an alternative land use of Planned Residential Development with a maximum density of 2.5 dwelling units per acre.

On February 19, 2007, the City Council authorized the preparation of Lot DE of Tract 5 of

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Sletten Addition and authorized acceptance of the deed. A Quit Claim Deed was submitted to the Register of Deeds on October 30, 2007. On November 5, 2007, the City Council authorized the Mayor and Finance Officer to sign the Annexation Petition to annex Lot DE of Tract 5 of Sletten Addition. The annexation was effective January 31, 2008.

Further development of the adjacent Brookfield Subdivision will require drainage improvements. Those drainage improvements are proposed to be located on Lot DE. Tax Increment District No. 67 has been approved to assist with funding the construction of large box culverts and grading associated with drainage improvements needed to support the upstream development.

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 property has been annexed into the City limits (#07AN006) and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. The proposal to rezone the property to Public Zoning District is reflective of city owned property used for drainage improvements.

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

The Public Zoning District is established to provide for facilities which serve the general public that are operated by the United States of America, the State of South Dakota or any political subdivision which qualifies for exemption from property taxes, or nonprofit organizations. The property is located adjacent to Low Density Residential Zoning Districts with Planned Residential Developments and General Agriculture Zoning Districts by Pennington County. The property is a significant drainage area for the region. The Northeast Area Neighborhood Future Land Use Plan identifies the property as appropriate for Public land use. The proposed zoning is consistent with the surrounding zoning designations and the intent of this ordinance. Rezoning the property from No Use District to Public District appears to be appropriate.

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 property is located adjacent to an existing Low Density Residential Zoning District. The proposed rezoning would allow the area to be used for drainage improvement purposes and thus provide an extension of the existing residential zoning. Drainage improvements to allow further development in the area will be located on this property. Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Public 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*

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Community Facilities Plan.

The Northeast Area Neighborhood Future Land Use Plan identifies the property as appropriate for Public land use with an alternate land use of Planned Residential Development with a maximum density of 2.5 dwelling units per acre. Rezoning the property from No Use District to Public District is consistent with the adopted Comprehensive Plan.

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 May 22, 2008 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.

Staff recommends that the Rezoning from No Use District to Public District be approved.