

STAFF REPORT  
September 10, 2009

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**No. 09RZ035 - Rezoning from No Use District to Mobile Home Residential District**      **ITEM 12**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Mark J. Wortman
REQUEST	<b>No. 09RZ035 - Rezoning from No Use District to Mobile Home Residential District</b>
EXISTING LEGAL DESCRIPTION	Lot 6 of Melody Acres Subdivision No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.23 acres
LOCATION	2804 E. Fairmont Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	General Agriculture District (Pennington County)
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	8/14/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Mobile Home Residential District be approved.

GENERAL COMMENTS: This developed property contains approximately 0.23 acres and is located at 2804 E. Fairmont Street. The property is zoned No Use District. Land located north, east and west of the property is zoned No Use District. Land located south of the property is zoned General Agriculture District by Pennington County. A mobile home residence was located on the property, but has now been removed.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land use with a Planned Residential Development. An application for a Planned Residential Development – Initial and Final Development Plan (#09PD039) has been submitted in conjunction with this Rezoning application.

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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.*

A City initiated annexation of the property (#08AN011) was effective June 4, 2009. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The Mobile Home Residential Zoning District is intended to provide a district in which mobile homes may be located upon individually owned lots without adverse effects upon property values or the safety of the community or the occupants of the mobile homes. A mobile home residence was previously located on the property. Mobile home residential uses are located north, south, east and west of the property. Due to the land uses of the adjacent properties, the rezoning would appear to be consistent with the intent and purposes of this 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.*

Access to the residential property is from E. Fairmont Street. Water and sewer are provided by Rapid Valley Sanitary District. The property is located adjacent to mobile home residential land uses. The additional review provided by a Planned Residential Development process will insure that any possible adverse impacts of development are adequately mitigated. Based on the provision of a Planned Development overlay, no significant adverse impacts resulting from the requested rezoning have been identified.

*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.*

Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land use with a Planned Residential Development. Rezoning the subject property from No Use District to Mobile Home Residential 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 September 10, 2009 Planning Commission meeting if this requirement has not been met. Staff has received two inquiries but no objections regarding the proposed request at the time of this writing.

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Staff recommends that the rezoning from No Use District to Mobile Home Residential District be approved.