

STAFF REPORT
November 19, 2009

No. 09RZ045 - Rezoning from No Use District to Medium Density Residential District **ITEM 6**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Terra Con, LLC
REQUEST	No. 09RZ045 - Rezoning from No Use District to Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.68 acres
LOCATION	2828 Orchard Lane
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	General Agriculture District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Based on the Future Land Use Committee's recommendation on the related Comprehensive Plan Amendment, Staff recommends that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Residential Development – Initial and Final Development Plan for the following legal description:

Lot 8-10 of Fravel Tract, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

GENERAL COMMENTS: This property contains 6.68 acres and is located east of Valley Drive and south of S.D. Highway 44. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located north, west and south of the property is zoned No Use District. Land located east of the property is

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zoned General Agriculture District. The property was zoned Suburban Residential District by Pennington County prior to annexation. A Conditional Use Permit was approved by Pennington County on July 13, 1971 for a Mobile Home Park. On February 18, 1997, Pennington County approved a Conditional Use Permit to expand the existing mobile home park.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land use. Applications for a Comprehensive Plan Amendment to change the land use from Low Density Residential to Medium Density Residential with a Planned Residential Development (#09CA030) and a Planned Residential Development – Initial and Final Development Plan (#09PD052) have been submitted in conjunction with this Rezoning application.

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 district affected, or 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 Medium Density Residential Zoning District is intended to provide for medium to high population density. The principal uses of land may range from single family to multiple family apartment uses. Mobile Home Parks are allowed in this zoning district through a Conditional Use Permit or Planned Residential Development. Mobile homes are located west of the property. Residential property is also located south of the property. Due to the land uses of the adjacent properties, the rezoning of this property appears 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 amendment.*

Access to the mobile home property is from Orchard Lane. Water and sewer are provided by Rapid Valley Sanitary District. The property is located adjacent to mobile home residential land uses as well as single family residential 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 in conflict with the*

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development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land use. With the approval of the associated Comprehensive Plan Amendment to change the land use from Low Density Residential to Medium Density Residential with a Planned Residential Development, rezoning the property from No Use District to Medium Density Residential District will be 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 November 19, 2009 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The legal description incorrectly included additional land not owned by Terra Con, LLC. As such, staff recommends that the rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Residential Development – Initial and Final Development Plan for the revised legal description as stated.