

STAFF REPORT
November 4, 2010

No. 10RZ047 - Rezoning from No Use District to Medium Density Residential District **ITEM 8**

GENERAL INFORMATION:

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| APPLICANT | City of Rapid City |
| PROPERTY OWNER | Multiple Property Owners |
| REQUEST | No. 10RZ047 - Rezoning from No Use District to Medium Density Residential District |
| EXISTING LEGAL DESCRIPTION | Lot 3A of Lot 3 of SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 11.7 acres |
| LOCATION | Northeast corner of South Valley Drive and Orchard Lane |
| EXISTING ZONING | No Use District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | No Use District |
| East: | Medium Density Residential District |
| West: | No Use District |
| PUBLIC UTILITIES | Rapid Valley Sanitary District |
| DATE OF APPLICATION | 11/8/210 |
| REVIEWED BY | Karen Bulman / Karley Halsted |

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: This property contains 11.7 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 of the

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property is zoned Low Density Residential District. Land located east of the property is zoned Medium Density Residential District. Land located south and west of the property is zoned No Use District. The property was zoned Suburban Residential District by Pennington County prior to annexation. A Conditional Use Permit was approved by Pennington County in 1997 (#97-43) for the South Valley Mobile Estates along South Valley Drive. Conditional Use Permits (#71-13 and #78-39) were approved by Pennington County for a second mobile home park, located adjacent to Orchard Lane and S. Valley Drive. There are also three single family structures on individual lots along South Valley Drive, located adjacent to the Mobile Home Parks.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land use. An application for a Comprehensive Plan Amendment to change the land use from Low Density Residential to Medium Density Residential (#10CA044) has 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 east of the properties. Residential property is also located adjacent to the properties. 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 properties is from South Valley Drive, a collector street on the City's Major Street Plan and from Orchard Lane, a local street. Water and sewer are provided by Rapid Valley Sanitary District. The properties are located adjacent to mobile home residential land uses as well as single family residential uses. Medium Density Residential District allows for a Mobile Home Park with a Conditional Use Permit. Currently, the property within this rezoning application identifies two mobile home parks and three

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single family residences. One of the Mobile Home Parks received a Conditional Use Permit for a Mobile Home Park from Pennington County in 1997 and is allowed as a legal nonconforming use. The second Mobile Home Park was issued two Conditional Use Permits for a Mobile Home Park from Pennington County in 1971 and 1978 and is also allowed as a legal nonconforming use. Any changes to the properties or removal of a mobile home in the future on either mobile home parks will require that a Conditional Use Permit be submitted and approved. 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 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, 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 and the receipts from the certified mailing have been returned. 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 Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.