

STAFF REPORT
November 18, 2010

No. 10RZ049 - Rezoning from General Agriculture District to Flood Hazard District

ITEM 22

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Joseph and Winona Lylte (Life Estate)
REQUEST	No. 10RZ049 - Rezoning from General Agriculture District to Flood Hazard District
EXISTING LEGAL DESCRIPTION	<p>A portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2 of Orchard Subdivision, common to the northeasterly corner of Lot 3J of Melody Acres Subdivision and Lot 3H less the W79' of Lot 3H of Melody Acres Subdivision, the point of beginning; Thence N0°2'0"W, a distance of 20.46 feet; Thence S42°52'31"E, a distance of 71.67 feet; Thence S70°36'47"E, a distance of 47.38 feet; Thence S59°13'5"E, a distance of 94.02 feet; Thence S39°3'44"E, a distance of 32.73 feet; Thence S39°3'44"E, a distance of 6.03 feet; Thence S39°3'49"E, a distance of 106.07 feet; Thence S89°57'39"E, a distance of 110.25 feet; Thence S2°42'7"W, a distance of 10.38 feet; Thence S6°13'1"W, a distance of 220.86 feet; Thence S10°26'34"W, a distance of 306.60 feet; Thence S10°38'44"W, a distance of 700.48 feet; Thence N32°24'43"W, a distance of 185.04 feet; Thence N31°59'11"W, a distance of 89.30 feet; Thence N37°37'20"W, a distance of 26.43 feet; Thence N0°19'21"W, a distance of 105.75 feet; Thence N0°3'57"W, a distance of 24.01 feet; Thence N0°3'43"W, a distance of 31.89 feet; Thence N0°18'0"W, a distance of 464.35 feet; Thence N0°18'0"W, a distance of 21.15 feet; Thence N0°1'50"W, a distance of 21.51 feet; Thence N88°47'11"E, a distance of 0.03 feet; Thence N88°30'38"E, a distance of 12.10 feet; Thence N88°28'10"E, a distance of 8.62 feet; Thence N88°28'16"E, a distance of 48.97 feet; Thence N62°1'23"E, a distance of 45.14 feet; Thence N77°49'38"E, a distance of 15.17 feet; Thence N85°50'11"E, a distance of 20.69 feet; Thence S87°17'27"E, a distance of 15.59 feet; Thence N79°6'18"E, a distance of 10.37 feet; Thence N62°16'26"E, a distance of 15.34 feet; Thence</p>

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N47°25'53"E, a distance of 15.50 feet; Thence
N41°3'14"E, a distance of 11.36 feet; Thence
N7°38'34"E, a distance of 65.81 feet; Thence
N24°20'41"W, a distance of 19.19 feet; Thence
N29°55'23"W, a distance of 15.91 feet; Thence
N36°0'45"W, a distance of 15.58 feet; Thence
N23°44'37"W, a distance of 15.70 feet; Thence
N8°50'50"W, a distance of 15.50 feet; Thence
N1°22'58"W, a distance of 25.76 feet; Thence
N1°51'59"E, a distance of 51.28 feet; Thence
N5°38'59"E, a distance of 37.97 feet; Thence
N59°6'53"W, a distance of 213.86 feet; Thence
N0°1'46"W, a distance of 26.4 feet; Thence N0°2'1"W, a
distance of 61.87 feet, to the Point of Beginning

PARCEL ACREAGE Approximately 6.46 acres

LOCATION South of Orchard Lane, east of Melody Lane and west of
Elk Vale Road

EXISTING ZONING General Agriculture District

SURROUNDING ZONING

 North: General Agriculture District

 South: General Agriculture District

 East: No Use District - Mobile Home Residential District

 West: General Agriculture District

PUBLIC UTILITIES Rapid Valley Sanitary District

DATE OF APPLICATION 10/22/2010

REVIEWED BY Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Flood Hazard District be approved.

GENERAL COMMENTS: This property contains 6.46 acres and is located south of Orchard Lane, east of Melody Lane and west of Elk Vale Road. The property was annexed into the City limits effective July 7, 2003 and is currently zoned General Agriculture District. Land located north, south and west of the property is zoned General Agriculture District. Land located east of the property is zoned No Use District and Mobile Home Residential District. A portion of the property is in the Elk Vale Road right-of-way and a portion of the property is owned by the City of Rapid City, with a life estate on the property for Joseph and Winona Lytle.

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The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Public land use with an alternate of Flood Hazard land use.

A neighborhood meeting was held on July 20, 2010, at the Open Bible Church, to discuss the rezoning of the property from No Use District to Flood Hazard District and to hear any questions or concerns from the property owners.

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.*

The Future Land Use Committee reviewed the Future Land Use Plan in the South Valley Drive area in detail. The Future Land Use Committee recommended that the property located in the hydraulic floodway be rezoned to Flood Hazard Zoning District in accordance with the adopted Floodplain Development Policy. The City's Floodplain Policy states that the limits of the Flood Hazard Zoning District shall match the boundaries of the 100 year hydraulic floodway on public or private properties downstream from the Chapel Lane Road bridge.

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

The purpose of the Flood Hazard District as stated in the Zoning Ordinance is to establish those uses having a low flood damage potential, and not obstructing floodflows. The property is currently undeveloped. The Southeast Connector Neighborhood Future Land Use Plan indicates that this property is appropriate for Public land uses with an alternate of Flood Hazard land uses. This property is located in the hydraulic floodway, as is property located west of this property. The rezoning of this property to Flood Hazard District appears to be appropriate and 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.*

The property is owned by the City of Rapid City and is partially located in the Elk Vale Road right-of-way. The property owner must comply with the regulations of Chapter 15 - Flood Area Construction of the Rapid City Municipal Code. This regulation prohibits the uses which are dangerous to health, safety and property due to water or erosion hazards which can increase erosion or flood heights, and which may result in damage to adjacent or downstream properties.

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*

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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 Public land uses with an alternate of Flood Hazard land use. Rezoning the subject property from General Agriculture District to Flood Hazard District is consistent with the adopted Comprehensive Plan. In addition, the City's Flood Plain Policy indicates that this property is within the hydraulic floodway and should appropriately be zoned Flood Hazard District.

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 General Agriculture District to Flood Hazard District be approved.