

STAFF REPORT
November 18, 2010

No. 10RZ051 - Rezoning from No Use District to Flood Hazard District **ITEM 23**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Multiple Property Owners
REQUEST	No. 10RZ051 - Rezoning from No Use District to Flood Hazard District
EXISTING LEGAL DESCRIPTION	Lot A, Watco Subdivision, located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and 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 southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°49'47"E, a distance of 267.39 feet, to the Point of Beginning; Thence N27°19'59"W, a distance of 41.2 feet; Thence N48°37'18"W, a distance of 52.63 feet; Thence N45°34'10"W, a distance of 46.47 feet; Thence N50°3'48"W, a distance of 45.39 feet; Thence N50°3'48"W, a distance of 8.88 feet; Thence N57°6'52"W, a distance of 32.34 feet; Thence N49°19'19"W, a distance of 48.49 feet; Thence N49°19'19"W, a distance of 28.29 feet; Thence N46°0'51"W, a distance of 37.48 feet; Thence N50°3'44"W, a distance of 67.83 feet; Thence N56°26'49"W, a distance of 47.61 feet; Thence N70°17'17"W, a distance of 60.3 feet; Thence N77°50'13"W, a distance of 32.62 feet; Thence N77°50'13"W, a distance of 23.48 feet; Thence N71°11'49"W, a distance of 18.64 feet; Thence N71°11'49"W, a distance of 23.58 feet; Thence N67°41'4"W, a distance of 16.94 feet; Thence N67°41'4"W, a distance of 3.95 feet; Thence N67°41'4"W, a distance of 8.62 feet; Thence N47°5'21"W, a distance of 1.68 feet; Thence N0°2'51"E, a distance of 21.56 feet; Thence N0°3'8"E, a distance of 145.14 feet; Thence N0°3'6"E, a distance of 29.28 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'25"E, a distance of 14.64 feet; Thence N0°3'0"E, a distance of 14.64 feet; Thence N0°3'3"E, a distance of 80.62 feet; Thence N0°3'9"E, a distance of 31.86 feet; Thence N0°3'7"E, a distance of 35.27 feet; Thence N0°3'7"E, a

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distance of 140.31 feet; Thence N82°40'40"E, a distance of 8.50 feet; Thence S84°19'25"E, a distance of 119.91 feet; Thence S87°35'57"E, a distance of 117.28 feet; Thence S83°0'42"E, a distance of 92.43 feet; Thence S82°22'58"E, a distance of 62.46 feet; Thence S88°43'21"E, a distance of 48.28 feet; Thence S83°8'37"E, a distance of 84.02 feet; Thence S47°5'22"E, a distance of 61.15 feet; Thence S24°4'7"E, a distance of 106.77 feet; Thence S17°9'25"E, a distance of 32.12 feet; Thence S38°30'23"E, a distance of 37.57 feet; Thence S54°1'34"E, a distance of 36.35 feet; Thence S63°42'22"E, a distance of 38.06 feet; Thence S63°56'50"E, a distance of 32.92 feet; Thence S65°5'37"E, a distance of 40.16 feet; Thence S54°20'28"E, a distance of 52.93 feet; Thence S49°26'2"E, a distance of 65.36 feet; Thence S53°30'18"E, a distance of 47.84 feet; Thence S58°48'44"E, a distance of 48.06 feet; Thence S56°4'38"E, a distance of 46.65 feet; Thence S85°21'20"E, a distance of 42.93 feet; Thence S88°43'21"E, a distance of 57.98 feet; Thence S85°23'5"E, a distance of 47.88 feet; Thence S58°52'1"E, a distance of 75.61 feet; Thence S46°26'55"E, a distance of 36.52 feet; Thence S42°40'43"E, a distance of 33.73 feet; Thence S0°12'24"W, a distance of 17.84 feet; Thence S0°12'23"W, a distance of 60.05 feet; Thence S0°12'38"W, a distance of 25.62 feet; Thence S58°52'29"E, a distance of 207.57 feet; Thence S5°53'23"W, a distance of 36.85 feet; Thence S2°6'23"W, a distance of 49.77 feet; Thence S1°8'34"E, a distance of 25.00 feet; Thence S8°36'26"E, a distance of 15.05 feet; Thence S23°30'13"E, a distance of 15.24 feet; Thence S35°46'21"E, a distance of 15.13 feet; Thence S29°40'59"E, a distance of 15.45 feet; Thence S24°6'17"E, a distance of 18.63 feet; Thence S7°52'58"W, a distance of 63.88 feet; Thence S41°17'38"W, a distance of 11.02 feet; Thence S47°40'17"W, a distance of 15.05 feet; Thence S62°30'50"W, a distance of 14.89 feet; Thence S79°20'42"W, a distance of 10.07 feet; Thence N87°3'3"W, a distance of 15.13 feet; Thence S86°4'35"W, a distance of 20.08 feet; Thence S78°4'2"W, a distance of 14.72 feet; Thence S62°15'47"W, a distance of 43.81 feet; Thence S88°42'40"W, a distance of 47.53 feet; Thence

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S88°42'34"W, a distance of 8.37 feet; Thence S88°45'2"W, a distance of 11.74 feet; Thence S89°1'36"W, a distance of 0.03 feet; Thence S0°12'34"W, a distance of 20.88 feet; Thence S0°3'36"E, a distance of 471.22 feet; Thence S0°10'41"W, a distance of 30.95 feet; Thence N62°50'7"W, a distance of 265.43 feet; Thence N61°50'6"W, a distance of 22.72 feet; Thence N62°45'12"W, a distance of 166.15 feet; Thence N62°45'27"W, a distance of 41.57 feet; Thence N22°6'51"W, a distance of 44.54 feet; Thence N23°14'16"W, a distance of 87.70 feet; Thence N34°1'57"W, a distance of 7.61 feet; Thence N34°2'17"W, a distance of 72.57 feet; Thence N34°2'23"W, a distance of 29.20 feet; Thence N34°2'16"W, a distance of 64.17 feet; Thence S89°49'40"W, a distance of 147.14 feet, to the Point of Beginning

PARCEL ACREAGE	Approximately 31.38 acres
LOCATION	West of Elk Vale Road, east of South Valley Drive between Orchard Lane and Scott Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District - Medium Density Residential District
South:	Mobile Home Residential District
East:	General Agriculture District
West:	Low Density Residential District - Suburban Residential District (Pennington County)
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 No Use District to Flood Hazard District be approved.

GENERAL COMMENTS: This property contains approximately 31.38 acres and includes the developed and undeveloped property of multiple property owners. Mobile homes and outbuildings are located on a majority of the developed property. The property is located west of Elk Vale Road and east of South Valley Drive between Orchard Lane and Scott

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Street. The property was annexed into the City limits (#08AN011) and (#10AN002) effective June 4, 2009 and June 25, 2010 respectively. The property was subsequently zoned No Use District. Land located north of the property is zoned No Use District and Medium Density Residential District. Land located south of the property is zoned Mobile Home Residential District. Land located east of the property is zoned General Agriculture District. Land located west of the property is zoned Low Density Residential District and Suburban Residential District by Pennington County.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land uses with an alternate of Flood Hazard land uses. 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 private properties downstream from the Chapel Lane Road bridge. This property is located in the hydraulic floodway and, as such, is being proposed for rezoning from No Use District to Flood Hazard District.

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 annexation of the property (#08AN011) and (#10AN002) was effective June 4, 2009 and June 25, 2010 respectively. 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 purpose of the Flood Hazard District as stated in the Zoning Ordinance is established for those uses having a low flood damage potential, and not obstructing flood flows. This property is located in the hydraulic floodway and is predominately the location of mobile homes and undeveloped land. The Southeast Connector Neighborhood Future Land Use Plan indicates that this property is appropriate for Low Density Residential District with an alternate use of Flood Hazard. The Future Land Use Committee reviewed the land uses in this area in detail. Based on the location of the hydraulic flood plain, the Future Land Use Committee supported the zoning of the property to Flood Hazard District consistent with the adopted Floodplain Development Policy. The rezoning of this property 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*

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any direct or indirect adverse effects result from such amendment.

Primary access to this property is from Melody Lane. The property is located in the Rapid Valley Sanitary District. Predominately, mobile homes and outbuildings are located on the developed property. As mobile homes are not allowed in the Flood Hazard Zoning District, any changes to the property or removal of a mobile home in the future will require that the property be in compliance with the Flood Hazard Zoning District. No additional construction or changes in mobile homes will be allowed in the area. The Flood Hazard Zoning District severely limits the uses allowed in the district and will significantly impact the property owners and residents living in the district. Property owners 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. It should be noted that prior to annexation, the properties could not obtain a building permit by Pennington County due to the location in the hydraulic floodway.

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 uses and Flood Hazard land use. Rezoning the subject property from No Use District to Flood Hazard District is consistent with the adopted Comprehensive Plan. In addition, the City's Flood Plain Policy indicates that property located within the hydraulic floodway should be zoned Flood Hazard District. As such, Staff recommends approval of the rezoning from No Use District to Flood Hazard District.

Letters were sent to all property owners and residents, inviting them to an open house on July 20, 2010, to inform them of the proposed rezoning. Several property owners expressed concern about the future use of their property and the effect of the Flood Hazard Zoning District on their property. Several property owners requested that the City purchase their property or allow a land swap to take place. Letters were again sent to all property owners on October 29, 2010, informing them of the current application to rezone their property to 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 two objections regarding the proposed request at the time of this writing. Both property owners were concerned that the value of their property was diminished by this rezoning and requested that the City purchase their property or allow a land swap to take place. Staff has received three inquiries regarding the proposed request, concerned that the City was proposing to evict them from their property. Staff advised them that the current use can remain, but there can be no expansion or construction on the property if the Flood Hazard Zoning District is approved.

Staff recommends that the rezoning from No Use District to Flood Hazard District be

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approved.