

STAFF REPORT  
November 18, 2010

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**No. 10RZ053 - Rezoning from No Use District to Low Density Residential District**      **ITEM 25**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Shawn Brinkman, Eric Fenstemaker/Shannon McNaboe
REQUEST	<b>No. 10RZ053 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	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, the Point of Beginning; Thence N0°0'44"E, a distance of 162.84 feet; Thence N0°0'42"E, a distance of 73.27 feet; Thence N89°58'50"W, a distance of 250.12 feet; Thence N0°2'31"E, a distance of 124.99 feet; Thence S47°5'21"E, a distance of 1.71 feet; Thence S67°41'4"E, a distance of 8.62 feet; Thence S67°41'4"E, a distance of 20.89 feet; Thence S71°11'49"E, a distance of 23.58 feet; Thence S71°11'49"E, a distance of 18.64 feet; Thence S77°50'13"E, a distance of 56.10 feet; Thence S70°17'17"E, a distance of 60.30 feet; Thence S56°26'49"E, a distance of 47.61 feet; Thence S50°3'44"E, a distance of 39.42 feet; Thence S50°3'44"E, a distance of 28.41 feet; Thence S46°0'51"E, a distance of 37.48 feet; Thence S49°19'19"E, a distance of 76.77 feet; Thence S57°6'52"E, a distance of 32.34 feet; Thence S50°3'48"E, a distance of 54.27 feet; Thence S45°34'10"E, a distance of 46.47 feet; Thence S48°37'18"E, a distance of 52.63 feet; Thence S27°19'59"E, a distance of 41.20 feet; Thence S89°49'46"W, a distance of 267.39 feet, to the Point of Beginning
PARCEL ACREAGE	Approximately 1.36 acres
LOCATION	South of Melody Lane, north of Terra Street and east of South Valley Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	

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North:	No Use District
South:	No Use District - Low Density Residential District - Mobile Home Residential District
East:	No Use District
West:	Low Density Residential 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 No Use District to Low Density Residential District be approved.

**GENERAL COMMENTS:** This developed property contains approximately 1.36 acres and is located south of Melody Lane, north of Terra Street and east of South Valley Drive. The property was annexed into the City limits (#08AN011) and (#10AN002) effective June 4, 2009 and June 25, 2010 respectively and subsequently zoned No Use District. Land located north and east of the property is zoned No Use District. Land located south of the property is zoned Low Density Residential District, Mobile Home Residential District, and No Use District. Land located west of the property is zoned Low Density Residential District. The property was zoned Suburban Residential District by Pennington County prior to annexation.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land uses.

There are two related rezoning applications for the properties. This application from No Use District to Low Density Residential District is for the southern portion of the two properties. The application from No Use District to Flood Hazard District (#10RZ051) has been submitted for the northern portions of these properties located in the hydraulic flood way. The Future Land Use Committee reviewed the adopted land use map and related zoning for this area in detail. As a result of that review, the Future Land Use Committee recommended that the portion of the property located outside of the hydraulic floodway be zoned Low Density Residential Zoning District.

**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

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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 Low Density Residential District as stated in the Zoning Ordinance is to be used for single-family residential development with low population densities. A single family home is currently located on one of the parcels. The Southeast Connector Neighborhood Future Land Use Plan indicates that this property is appropriate for Low Density Residential land uses. Residential uses are currently located north, west and south of the property. A large open field, owned by one of the property owners, is located east of this property. 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 any direct or indirect adverse effects result from such amendment.*

Access to the residential property is from South Valley Drive, a principal arterial street on the City's Major Street Plan, and from Melody Lane. Water and sewer are provided by Rapid Valley Sanitary District. The property is located adjacent to residential land uses. Currently, a single family home is located on one of the parcels. 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. Rezoning the subject property from No Use District to Low Density 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 November 18, 2010 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.

Staff recommends that the rezoning from No Use District to Low Density Residential District be approved.