

STAFF REPORT
November 18, 2010

No. 10RZ054 - Rezoning from No Use District to Low Density Residential District **ITEM 26**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	George Batchelder, Maxine Jacob, Charles Meiron/Julie Moore, Jerry & Lana Pabst, Carol Schaffer/Misty Schaffer-Sime
REQUEST	No. 10RZ054 - Rezoning from No Use District to Low Density Residential District
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 2 of Orchard Subdivision, thence N0°02'00"W, a distance of 469.7 feet, Thence N82°0'00"W, a distance of 175.5 feet, to the point of beginning; Thence S0°1'59"E, a distance of 174.25 feet; Thence S0°0'11"E, a distance of 206.66 feet; Thence N89°6'47"W, a distance of 46.76 feet; Thence N85°44'46"W, a distance of 43.99 feet; Thence N56°28'4"W, a distance of 47.80 feet; Thence N59°12'10"W, a distance of 49.24 feet; Thence N53°53'44"W, a distance of 10.61 feet; Thence N53°53'44"W, a distance of 38.41 feet; Thence N49°49'28"W, a distance of 66.97 feet; Thence N54°43'54"W, a distance of 54.24 feet; Thence N65°29'3"W, a distance of 41.15 feet; Thence N64°20'16"W, a distance of 33.73 feet; Thence N64°5'48"W, a distance of 39.00 feet; Thence N54°25'0"W, a distance of 37.25 feet; Thence N38°53'49"W, a distance of 38.50 feet; Thence N17°32'51"W, a distance of 32.91 feet; Thence N24°27'33"W, a distance of 25.06 feet; Thence N24°27'33"W, a distance of 36.59 feet; Thence N24°27'33"W, a distance of 15.41 feet; Thence N24°27'33"W, a distance of 32.35 feet; Thence N47°28'48"W, a distance of 62.66 feet; Thence N83°32'3"W, a distance of 86.09 feet; Thence N89°6'47"W, a distance of 49.48 feet; Thence N82°46'24"W, a distance of 64.00 feet; Thence N83°24'8"W, a distance of 94.71 feet; Thence N87°59'23"W, a distance of 90.26 feet; Thence N87°59'25"W, a distance of 29.92 feet; Thence N84°42'51"W, a distance of 122.87 feet; Thence

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S82°21'25"W, a distance of 8.71 feet; Thence
N0°27'58"W, a distance of 1.82 feet; Thence
N0°20'19"W, a distance of 83.27 feet; Thence
N7°47'29"W, a distance of 16.18 feet; Thence
S81°32'46"E, a distance of 545.36 feet; Thence
S81°36'6"E, a distance of 579.72 feet; Thence
S0°15'20"W, a distance of 15.64 feet; Thence S0°1'58"E,
a distance of 16.18 feet, to the Point of Beginning

PARCEL ACREAGE	Approximately 4.95 acres
LOCATION	South of Orchard Lane, east of South Valley Drive, north of Melody Lane and west of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District - Medium Density Residential District
South:	No Use District
East:	No Use District
West:	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 Low Density Residential District be approved.

GENERAL COMMENTS: This developed property contains approximately 4.95 acres and is located south of Orchard Lane, east of South Valley Drive, north of Melody Lane and west of Elk Vale Road. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located south and east of the property is zoned No Use District. Land located north of the property is zoned Medium Density Residential District and No Use District. Land located west of the property is zoned Suburban Residential District by Pennington County. 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 rezoning applications for the properties. This application from No Use District to Low Density Residential District is for the northern portion of the two properties. A

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separate application to rezone the balance of the property from No Use District to Flood Hazard District (#10RZ051) has been submitted for the property located in the hydraulic floodway. 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 recommends that the portion of the property located outside of the hydraulic flood way 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) 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 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. Single family homes are currently located on the property. 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, east and south of the property. Property located west of the property is zoned Suburban Residential District by Pennington County. 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 Orchard Lane. Water and sewer are provided by the Rapid Valley Sanitary District. The property is located adjacent to residential land uses. Currently, single family homes are located on the property. 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.

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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.