

STAFF REPORT
November 18, 2010

**No. 10RZ052 - Rezoning from Mobile Home Residential District to
Flood Hazard District**

ITEM 24

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Smith Land Corporation
REQUEST	No. 10RZ052 - Rezoning from Mobile Home Residential District to Flood Hazard 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 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°35'42"E, a distance of 275.506 feet, to the Point of Beginning; Thence N89°34'29"E, a distance of 114.623 feet; Thence N89°35'30"E, a distance of 35.008 feet; Thence N89°32'40"E, a distance of 1.957 feet; Thence S34°16'40"E, a distance of 66.118 feet; Thence S34°16'47"E, a distance of 30.08 feet; Thence S34°16'41"E, a distance of 74.766 feet; Thence S34°16'20"E, a distance of 7.841 feet; Thence S23°6'1"E, a distance of 91.574 feet; Thence S23°5'50"E, a distance of 44.668 feet; Thence S62°59'51"E, a distance of 42.824 feet; Thence S62°59'36"E, a distance of 171.187 feet; Thence S63°3'4"E, a distance of 6.733 feet; Thence S62°59'41"E, a distance of 17.66 feet; Thence S62°59'43"E, a distance of 272.49 feet; Thence S0°3'57"E, a distance of 24.008 feet; Thence S0°18'48"E, a distance of 105.73 feet; Thence N37°37'20"W, a distance of 45.453 feet; Thence N48°21'41"W, a distance of 69.026 feet; Thence N56°19'31"W, a distance of 82.587 feet; Thence N67°6'20"W, a distance of 123.553 feet; Thence N72°27'9"W, a distance of 101.734 feet; Thence N41°48'54"W, a distance of 101.977 feet; Thence N55°26'11"W, a distance of 123.248 feet; Thence N69°45'34"W, a distance of 24.993 feet; Thence N83°51'7"W, a distance of 33.268 feet; Thence N52°11'37"W, a distance of 37.296 feet; Thence N57°37'27"W, a distance of 52.039 feet; Thence N47°17'28"W, a distance of 31.032 feet; Thence N41°43'55"W, a distance of 34.971 feet; Thence N26°10'27"W, a distance of 40.358 feet; Thence

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	N8°9'47"W, a distance of 67.685 feet; Thence N20°43'29"W, a distance of 34.975 feet; Thence N25°31'42"W, a distance of 27.14 feet; Thence N27°34'23"W, a distance of 12.229 feet, to the point of beginning
PARCEL ACREAGE	Approximately 2.07 acres
LOCATION	West of Elk Vale Road, east of South Valley Drive between Melody Lane and Scott Street
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	No Use District
South:	Mobile Home Residential District
East:	General Agriculture District
West:	Mobile Home 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 Mobile Home Residential District to Flood Hazard District be approved.

GENERAL COMMENTS: This developed property contains approximately 2.07 acres and is located west of Elk Vale Road and east of South Valley Drive between Melody Lane and Scott Street. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and is zoned Mobile Home Residential District. A Planned Residential Development (#09PD050) to allow a Mobile Home Park was approved for this property on December 10, 2009. Land located north of the property is zoned No Use District. Land located south and west of the property is zoned Mobile Home Residential District. Land located east of the property is zoned General Agriculture District.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land uses with an alternate use of Flood Hazard. Rapid City's Flood Hazard Policy indicates that property located in the floodway shall be zoned Flood Hazard District. This parcel is located in the hydraulic floodway and as such, is being proposed for rezoning from Mobile Home Residential District to Flood Hazard District.

A neighborhood meeting was held on July 20, 2010, at the Open Bible Church, to discuss

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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.*

Recently, the Future Land Use Committee reviewed in detail the land uses in this area. As part of that discussion, the Future Land Use Committee recommended that the property be zoned in compliance with the adopted Floodplain 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 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 established for those uses having a low flood damage potential, and not obstructing floodflows. A mobile home park is located adjacent to this property and it appears that a portion of three mobile homes may be encroaching into the floodway. The Southeast Connector Neighborhood Future Land Use Plan indicates that this property is appropriate for Mobile Home Residential land uses with an alternate Flood Hazard land use. This property is located in the hydraulic floodway, as is property located north and 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 Terra Street and Cyclone Street, both private streets. The property is located in the Rapid Valley Sanitary District. Currently, a portion of three mobile homes appear to be located on the property. As mobile homes are not allowed in the Flood Hazard Zoning District, any changes to the property or removal of the mobile homes in the future will require that the property be in compliance with the Flood Hazard Zoning District. 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 plan, community facilities plan, and others.*

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The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land uses with an alternate of Flood Hazard land use. Rezoning the subject property from Mobile Home Residential 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.

Staff has visited with the property owner regarding the impact of this rezoning. The property owner has raised no objection to the rezoning. 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 Mobile Home Residential District to Flood Hazard District be approved.