

STAFF REPORT

September 25, 2003

No. 03RZ030 - Rezoning from Flood Hazard District to Low Density Residential District

ITEM 12

GENERAL INFORMATION:

PETITIONER Renner & Sperlich Engineering Company for Steve Moore

REQUEST **No. 03RZ030 - Rezoning from Flood Hazard District to Low Density Residential District**

EXISTING
LEGAL DESCRIPTION

A portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the

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westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwest corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning

PARCEL ACREAGE	Approximately 1.327 acres
LOCATION	1600 Creek Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Light Industrial District/Flood Hazard District
East:	Flood Hazard District
West:	Light Industrial District/Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/23/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the rezoning from Flood Hazard District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment.

GENERAL COMMENTS:

This item was continued at the September 4, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description. This Staff Report has been revised as of September 15, 2003. All revised and/or added text is shown in bold print. The applicant has submitted a rezoning request to change the zoning designation on a 1.327 acre parcel from Flood Hazard District to Low Density Residential District. The applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on the subject property from Agriculture to Low Density Residential. (See companion item #03CA018.) The 1.327 acre parcel is a part of a 3.19 acre lot.

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Currently, two single family residences are located on the property. The residences were constructed on the property before the lot was annexed into the City limits and, as such, are legally non-conforming structures. **Currently, the eastern half of the subject property is located in the hydraulic floodway. In addition, a portion of the western half of the property is located in the 100 year floodplain, outside of the hydraulic floodway. The applicant has indicated that a Letter of Map Revision will be requested of the Federal Emergency Management Agency to remove a portion of the western half of the property from the floodplain upon approval of the Rezoning request. The Letter of Map Revision is necessary in order for the applicant to construct an attached garage onto one of the existing residences. (The location of the garage is within the 100 year floodplain area.) The residence is currently located outside of the floodplain; however, once the garage is attached the entire structure must comply with the flood regulations. The residence currently has a basement and basements are not allowed in the 100 year floodplain. As such, the Letter of Map Revision must be granted prior to issuance of a building permit for the garage. The proposed Rezoning request does not include any portion of the property located within the hydraulic floodway.**

STAFF REVIEW:

Upon review of the legal description submitted with the rezoning request, staff has noted that a portion of the adjacent property is included in the proposed amendment request. As such, staff is recommending that this item be continued to the September 25, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description. **The applicant has recently submitted a revised legal description eliminating the adjacent property from the proposed request. As such, staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is 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 City annexed the subject property in 1973. Since that time City sewer and water has been extended to the area. With the extension of municipal services, it is anticipated that this will be an area of the community that will experience continued growth and development in the foreseeable future.

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

The purpose of the Low Density Residential Development District as stated in the Zoning Ordinance is to "...provide areas for single family residential development with low population densities. The property is located adjacent to Creek Drive, a collector street as identified on the City's Major Street Plan. Several properties located further south along Creek Drive are currently zoned Medium Density Residential District. Allowing low population densities adjacent to a collector street is consistent with the intent and purposes of the Zoning Ordinance.

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- 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.***

Staff does not believe that rezoning this property will result in any adverse impacts since the Low Density Residential District requires a low population density. In addition, the properties located directly north and south of the subject property currently have a single family residence located on each site with no apparent adverse affect(s).

- 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.***

As previously indicated the applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on the subject property from agriculture to Low Density Residential. Staff is recommending that the associated Comprehensive Plan Amendment be approved in conjunction with this Rezoning request in order to maintain conformity with the City's adopted plan.

As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the September 25, 2003 Planning Commission meeting if these requirements have not been met. Staff has not received any calls or inquiries regarding this proposal.