

STAFF REPORT  
November 5, 2009

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**No. 09RZ043 - Rezoning from No Use District to Low Density Residential District**      **ITEM 26**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Royal and Merle Nielsen
REQUEST	<b>No. 09RZ043 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	The south 293 feet of Lot 6 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.21 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	No Use District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	9/25/2009
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS: **(Update, October 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 5, 2009 Planning Commission meeting at the applicant's request.** This property contains 2.21 acres and is located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located south of the property is zoned No Use District. Land located north, east and west of the property is zoned Low Density Residential District. The property was zoned Suburban Residential District by Pennington County prior to annexation.

The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the

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property as appropriate for Low Density Residential uses. Currently, a contractor equipment storage yard is located on the property.

On April 23, 2009, a rezoning from No Use District to Low Density Residential District (#09RZ022) was submitted for this property, approved by the Planning Commission and subsequently denied by the City Council. The City Council directed staff to proceed with rezoning the property to Light Industrial District. On September 23, 2009, a rezoning from No Use District to Light Industrial District (#09RZ031) with a Planned Development Designation was denied by the Planning Commission and subsequently approved in part and denied in part by the City Council. The City Council directed staff to proceed with rezoning this property to Low Density Residential in concurrence with the applicant's request and the Elk Vale Neighborhood Area Future Land Use Plan.

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.*

A City initiated annexation of the property (#08AN007) was effective July 29, 2008. 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 contractors equipment outdoor storage yard is currently located on the property. The industrial use of the construction storage does not meet the requirements of the Low Density Residential Zoning District. As such, the existing industrial use of this property will be considered a legal non-conforming use. Any future development of the property will require that it conform to the requirements of the Low Density Residential Zoning District. Access to the property is from S.D. Highway 44. The property is adjacent to residential land uses to the north, west and east. Due to the adjacent land uses, 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.*

The property is located adjacent to residential land uses. Access to the property is from S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The property is located within the Rapid Valley Sanitary District. Any further development of the property will require the extension of roads and infrastructure. Staff is not aware of any significant adverse effects that will result from rezoning the property from No Use District to Low Density Residential District.

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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 property has access to S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for Low Density Residential land uses. The Future Land Use Committee met March 19, 2009 to review the adopted Elk Vale Neighborhood Land Use Plan and the land use for this property. The Committee re-confirmed that the appropriate land use for this property was Low Density Residential land uses. Rezoning the 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 October 22, 2009 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.