

STAFF REPORT  
December 10, 2009

---

**No. 09RZ054 - Rezoning from Flood Hazard District to Civic Center District**

**ITEM 38**

---

GENERAL INFORMATION:

APPLICANT	Rapid City Area School District #51-4
AGENT	Renner & Associates
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09RZ054 - Rezoning from Flood Hazard District to Civic Center District</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City, common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of 367.77 feet; Thence, third course: N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, said Parcel contains 81,160 square feet or 1.863 acres more or less</p>
PARCEL ACREAGE	Approximately 1.863 acres
LOCATION	South of Central High School between North Mount

STAFF REPORT  
December 10, 2009

---

**No. 09RZ054 - Rezoning from Flood Hazard District to Civic Center District**

**ITEM 38**

---

	Rushmore Road and West Boulevard North and north of Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	11/20/2009
REVIEWED BY	Marcia Elkins / Karley Halsted

**RECOMMENDATION:**

Based on the Future Land Use Committee's recommendation on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from Flood Hazard Zoning District to Civic Center Zoning District be approved in conjunction with the associated Comprehensive Plan Amendment.

**GENERAL COMMENTS:** The Rapid City Area School District #51-4 has submitted this Rezoning request to change the zoning of a 1.863 acre area from Flood Hazard Zoning District to Civic Center Zoning District. The area proposed for rezoning is a portion of Tract 19, Rapid City Greenway Tract. It is an irregular shape measuring approximately 204 feet by 368 feet. The location of the proposed rezoning is directly south of Lot RU-302A. It is more generally described as being located west of N. Mount Rushmore Road and directly abuts the Rapid City Central High School campus.

The property is located within the area included in the Northeast Area Future Land Use Plan and is currently designated as "Public with Flood Hazard." While the requested rezoning is not inconsistent with the current Future Land Use designation, the applicant has submitted a related Comprehensive Plan Amendment (09CA031) to amend the Future Land Use designation to "Civic Center."

As noted the current zoning of the property in question is Flood Hazard Zoning District. The property to the north is zoned Civic Center Zoning District, the property to the east is zoned Civic Center Zoning District and Flood Hazard Zoning District, the property to the south is zoned Flood Hazard Zoning District and the property to the west is zoned Flood Hazard Zoning District.

While the property is owned by the City of Rapid City, it currently appears to be and functions as part of the Central High School campus. Play fields, a football field and sidewalks are currently located on the site. The parcel was dedicated as park land on the face of the Rapid City

STAFF REPORT  
December 10, 2009

---

**No. 09RZ054 - Rezoning from Flood Hazard District to Civic Center District**      **ITEM 38**

---

Greenway Tract plat approved in 1979, along with numerous other Greenway Tracts.

The applicant has indicated that the requested Rezoning and the associated Comprehensive Plan Amendment will facilitate the expansion of the existing Central High School. Specifically, gymnasium space, weight rooms, locker rooms and related offices are proposed to be located in the area of land where the rezoning has been requested.

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 the staff findings are outlined below.

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

Staff has not identified any changing condition in the area or districts affected. However, it is noted that the Rapid City area and the Rapid City School District have continued to see growth resulting in the need for expanded and upgraded school facilities. The expansion of Central High School is precluded from occurring to the west due to the location of Interstate Highway I-190 and to the north and the east by the North Street right-of-way and the N. Mount Rushmore Road right-of-way. The proposed amendment is necessary to facilitate the expansion of this facility to address the needs of the growing community.

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

The stated purpose of the Civic Center Zoning District "...is to provide an area with a unified development plan which permits a compatible mix of land uses designed to serve the promotional, cultural, recreational, educational, social and civic needs of Rapid City, the region and the nation." The proposed rezoning is an expansion of the existing developed unified development plan. The area has already developed with a compatible mix of land uses serving the civic, educational and recreational needs of the community. In many ways, the property proposed for rezoning already functions as a part of the Central High School campus, a key component of the existing mix of compatible land uses. The proposed zoning is consistent with the stated purpose of the Zoning 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 an amendment.*

In reviewing the requested rezoning, staff paid particular attention to the public safety concerns associated with the Rapid Creek floodplain. The area proposed for rezoning is located outside of the hydraulic floodway, the area of fast moving water where no structures are allowed. The proposed rezoning area is located within the 100 year floodplain, also known as the flood fringe. These are generally areas where there is limited inundation in a flood event and may include backwater areas. Pursuant to the provisions of Chapter 15 of the Rapid City Municipal Code, construction is allowed in the 100 year floodplain upon the issuance of a floodplain development permit. The flood construction standards generally require the base floor elevation of the structures to be constructed one foot above the base flood elevation. The applicant has

STAFF REPORT  
December 10, 2009

---

**No. 09RZ054 - Rezoning from Flood Hazard District to Civic Center District**      **ITEM 38**

---

obtained a floodplain development permit insuring that there will be no adverse affect from the proposed development in the 100 year floodplain.

Neither the Future Land Use Committee in reviewing the related Comprehensive Plan Amendment nor the staff has identified any significant adverse affects that would result from the proposed rezoning.

4. *The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

The Rapid City Area Future Land Use Plan 2008 Plan Overview identified ten overarching goals for the future development of Rapid City. Goal 8 reads: "Preserve downtown as a community focus and encourage policies which will strengthen this role." The proposed rezoning will provide for the expansion of civic land uses serving the educational needs of Rapid City. Schools are traditionally a key element of insuring that central downtown areas are vibrant and active areas. This modest expansion of the Central High School campus is consistent with the existing "Public with Flood Hazard" land use designation as well as the proposed "Civic Center" land use designation. Further the proposed rezoning will facilitate the community's reinvestment in the existing High School and the central downtown area of the community.

Staff, along with the Future Land Use Committee reviewed the recently updated "Resolution Establishing a Rapid Creek Floodplain Policy" adopted as a part of the Comprehensive Plan. The proposed rezoning area is all located in the 100 year floodplain or flood fringe area. None of the area included in the rezoning request is located in the 100 year hydraulic floodway. The adopted Floodplain Policy states the following: "When applying the Flood Hazard Zoning District to public property, the boundaries of the Flood Hazard Zoning District shall match the boundaries of the 100 year floodway on properties downstream from the Chapel Lane Road Bridge..." The property in question is located outside of the 100 year floodway and downstream of the Chapel Lane Road. As such, the requested rezoning is consistent with the adopted Floodplain Policy.

Staff did not identify any conflicts the requested rezoning would have with the adopted Major Street Plan, the adopted Comprehensive Plan or its elements.

In compliance with the policy adopted by the City Council, the property owner has been notified by return receipt mail. Staff will inform the Planning Commission if the required sign is not posted on the property.

Based on the Future Land Use Committee's recommendation to approve the related Comprehensive Plan Amendment, staff recommends approval of the requested rezoning from Flood Hazard Zoning District to Civic Center Zoning District in conjunction with the associated Comprehensive Plan Amendment.