



# Rapid City Planning Commission

## Rezoning Project Report

June 8, 2023

Applicant Request(s)	Item # 2
Case # 23RZ005: Rezoning request from No Use District to Park Forest District	
Companion Case(s) #: 23VA005- Variance to reduce side yard setbacks and minimum lot size	

Development Review Team Recommendation(s)
The Development Review Team recommends that the Request to Rezone the property from No Use District to Park Forest District be approved.

Project Summary Brief
<p><b>Update 5/15/2023: At the 5/4/2023 Planning Commission meeting, this item was continued to be considered at the 5/25/2023 Planning Commission meeting. Due to public notice requirements, this item will be further continued to the 6/8/2023 Planning Commission meeting. No other changes have been made to this report.</b></p> <p>The subject property at 5900 West Highway 44, consists of 2.64 acres characterized by steep, wooded terrain. The property is accessed from SDDOT right-of-way at the intersection of West Highway 44 and Nameless Cave Road. The roads are currently graded and paved. The subject property is currently zoned No Use District as a result of annexation.</p> <p>A Preliminary Subdivision Plan (File# 23PL024) was approved to split the property into two residential lots. Lot 1A is 1.37 acres, and Lot 2A is 1.27 acres. Each lot is developed with a single family structure with multiple accessory structures. A Variance application File# 23VA005 will precede this Rezone application to grant multiple variances to setbacks and minimum lot size.</p> <p>The property must be Rezoned as a condition of annexation that was approved on April 6, 2023 in File# 23AN001. Due to the re-platting of the property (File# 23PL024) that occurred adjacent to the City limits, annexation of this property was necessary to maintain orderly growth and development. The Park Forest Zoning District designation is the most appropriate at this time, given the adjacent zoning and land uses.</p> <p>The Park Forest District is compatible with the Future Land Use designation of Forest Conservation. If the property were zoned as a Low Density Residential District, then the property could be further subdivided, which would conflict with the Forest Conservation designation in the Rapid City Comprehensive Plan.</p>

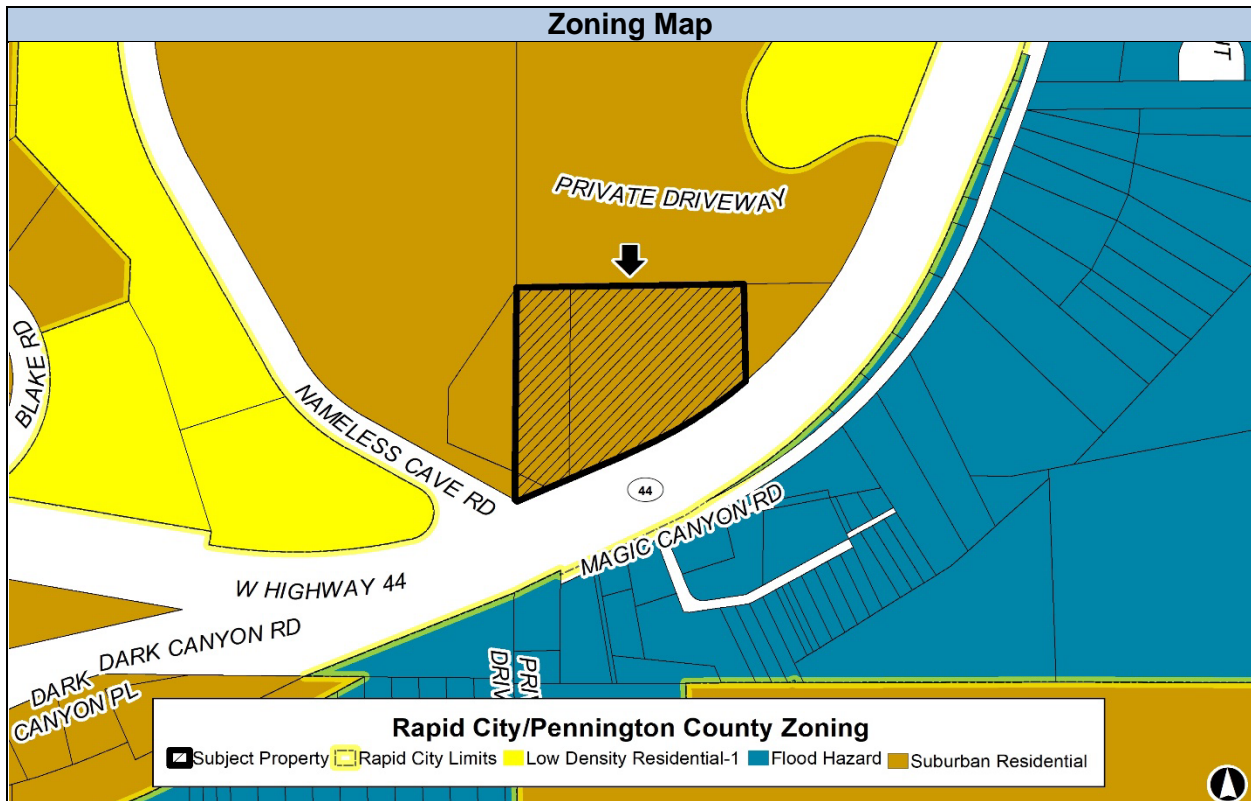
Applicant Information	Development Review Team Contacts
Applicant: Carey Kassube	Planner: Jonathan Howard
Property Owner: Dark Canyon Rentals, LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Jerome Harvey
Engineer: William H. Moths, Interstate Engineering, Inc.	School District: N/A
Surveyor: N/A	Water/Sewer: N/A
Other: N/A	DOT: Brandon Soulek

Subject Property Information	
Address/Location	5900 W Highway 44

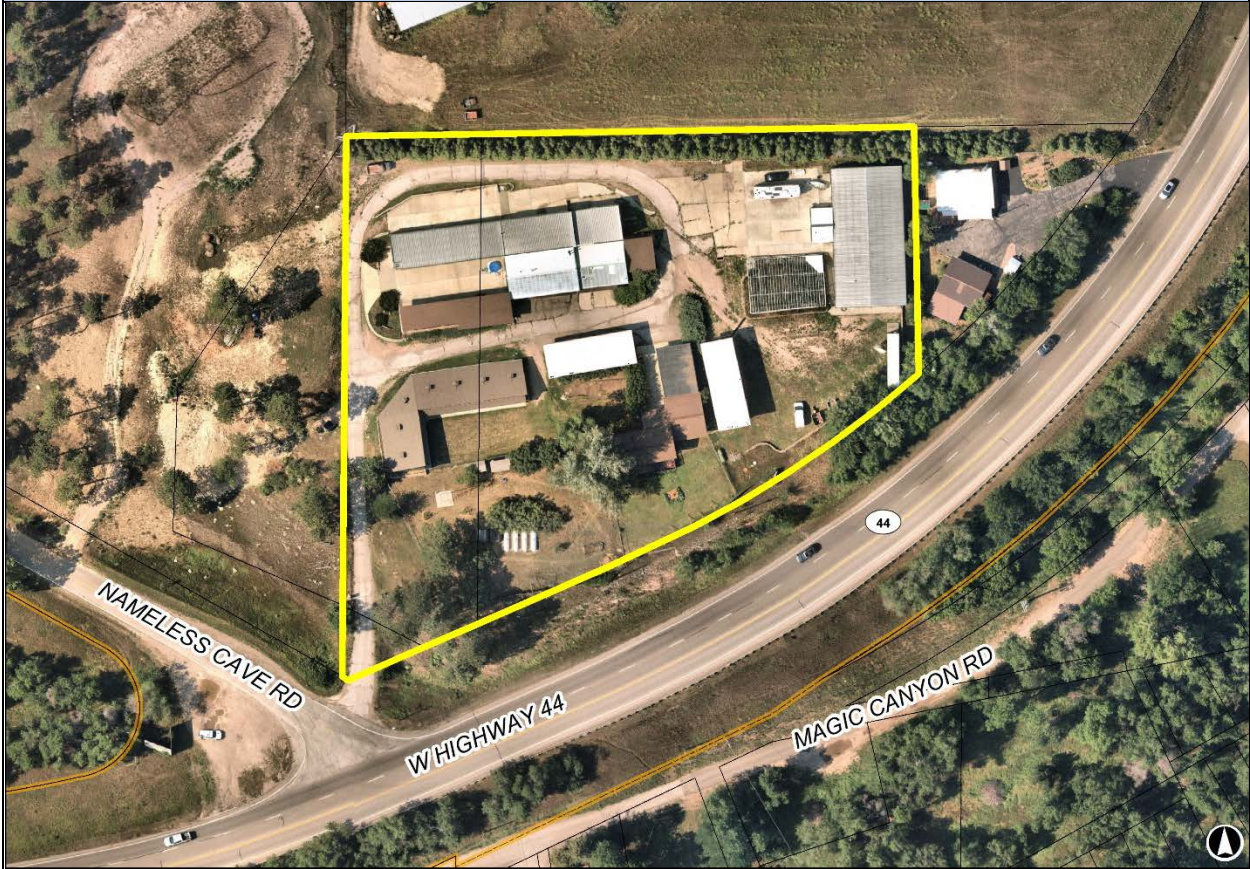
Neighborhood	Nemo Road
Subdivision	Canyon Park Subdivision
Land Area	2.64 acres
Existing Buildings	Two Single-family residence and multiple accessory storage and garage structures
Topography	Steep slopes
Access	W Highway 44
Water Provider	Private Well
Sewer Provider	Rapid Canyon Sewer
Electric/Gas Provider	Black Hills Energy
Floodplain	Not Applicable
Other	Not Applicable

**Subject Property and Adjacent Property Designations**

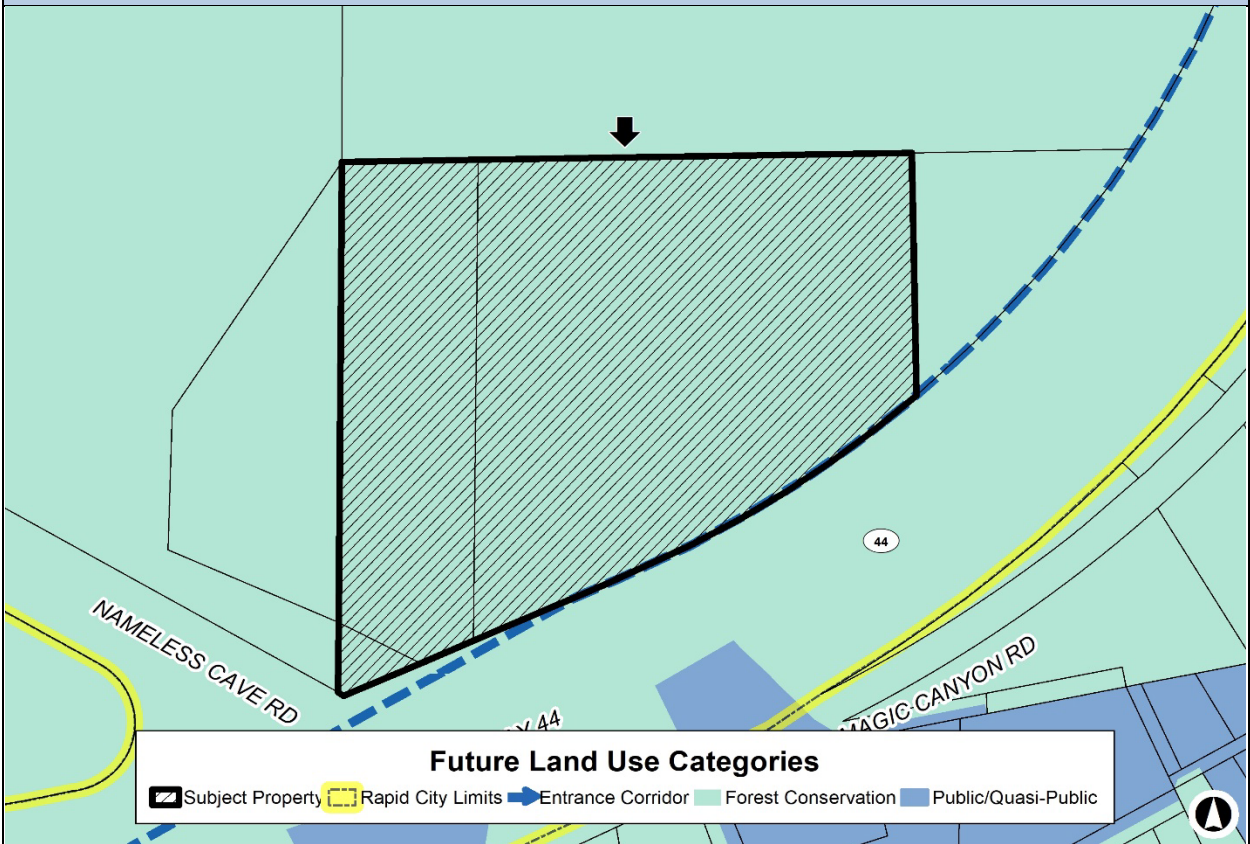
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	No Use	FC	Single family residential
Adjacent North	SR- PC	FC	Single family residential
Adjacent South	FH	FC/ Public	Single family residential
Adjacent East	SR- PC	FC	Single family residential
Adjacent West	LDR	FC	Void of structural development



### Existing Land Uses

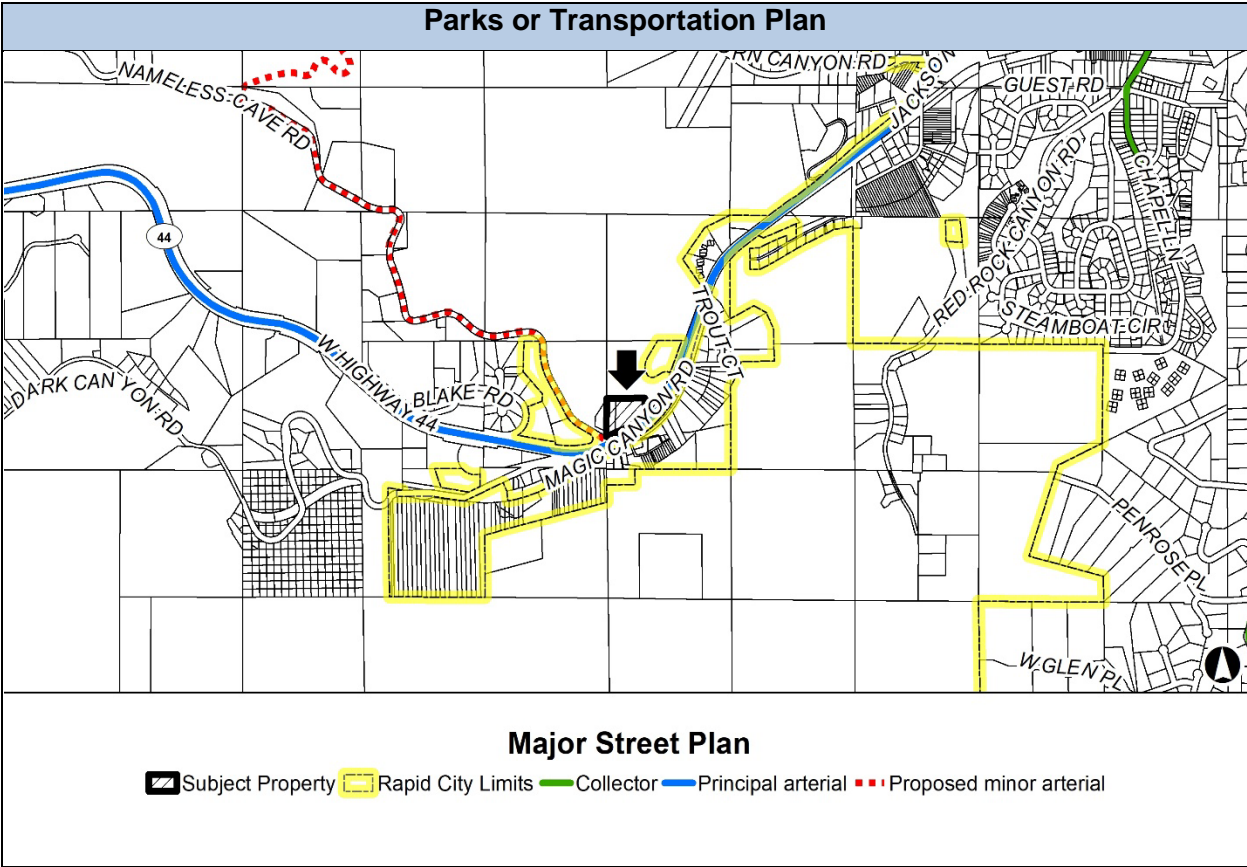


### Comprehensive Plan Future Land Use



### Future Land Use Categories

- Subject Property
- Rapid City Limits
- Entrance Corridor
- Forest Conservation
- Public/Quasi-Public



Relevant Case History			
Case/File#	Date	Request	Action
23AN001	4/6/2023	Petition for Annexation	Approved
23PL024	4/6/2023	PSP to subdivide into two lots	Approved
Relevant Zoning District Regulations			
Park Forest District	Required	Existing	
Lot Area	3 acres	2.64 acres	
Lot Frontage	>50 ft.	N/A	
Maximum Building Heights	2.5 stories or 35 ft.	N/A	
Maximum Density	<25%	N/A	
Minimum Building Setback:			
• Front	Varies	N/A	
• Rear	Varies	N/A	
• Side	Varies	N/A	
• Street Side	Varies	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A		
• # of landscape islands	N/A		
Minimum Parking Requirements:	As required by §17.50.270	N/A	
• # of parking spaces	-	-	
• # of ADA spaces	-	-	
Signage	As regulated by § 17.50.080 through 17.50.100	N/A	
Fencing	N/A	N/A	

**Planning Commission Criteria and Findings for Approval or Denial**







**Pursuant to Section 17.54.040.D of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to Rezone:**

Criteria	Findings
1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the city generally.	The property was annexed into the City on April 6, 2023. The annexation of this property was a condition of the Preliminary Subdivision Plan to split the 2.64 acres into two parcels. This Rezone application is a condition of the annexation. The Park Forest Zoning District designation is the most appropriate at this time, given the adjacent zoning and land uses. The Park Forest District is compatible with the Future Land Use designation of Forest Conservation. If the property were zoned as a Low Density Residential District, then the property could be further subdivided, which would conflict with the Forest Conservation designation in the Rapid City Comprehensive Plan. Rezoning to the Park Forest District prevents any further subdivision of the property, and allows for the highest and best use of the property. A Variance application will precede this Rezone application to grant multiple variances to setbacks and minimum lot size for each proposed parcel, in order to bring the property into legal compliance.
2. The proposed amendments shall be consistent with the intent and purposes of this title.	The future land use designation of this property is Forest Conservation. The designation identifies large-lot single-family residential as a secondary use.
3. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.	The adjacent zoning and uses are consistent with the Rezoning request. No adverse effects have been identified with the Rezoning request.
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.	<p>The purpose of the Park Forest District is intended to provide the City with an area to be preserved for its natural beauty and open character. Detached single-family homes are a permitted use in the Park Forest District. The proposed amendment is consistent with the intent of the Ordinance.</p> <p>The subject property is not currently connected to urban services, but it is within the urban services boundary. There are no health and/or safety concerns with regard to the property's location or Rezoning request. No conflicts with the City's development plans have been identified as a result of the proposed amendment. Prior to submittal of Final Plat, applicant must obtain an approach permit from Pennington County and SDDOT.</p>

**Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial**

**In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:**

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Comprehensive Plan Conformance – Core Values Chapters	
	<b>A Balanced Pattern of Growth</b>
BPG-1.1A	N/A
	<b>A Vibrant, Livable Community</b>
N/A	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
N/A	N/A
	<b>Economic Stability and Growth</b>
N/A	
	<b>Outstanding Recreational and Cultural Opportunities</b>
N/A	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<u>Public Input Opportunities</u> : The proposed Rezoning requires public notice to be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Rezoning is before the Planning Commission and will go to the City Council for review and approval. The public has an opportunity to provide input at these meetings.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
<b>Future Land Use Plan Designation(s):</b>	<b>Forest Conservation</b>
<b>Design Standards:</b>	
N/A	N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
<b>Neighborhood:</b>	<b>Nemo Road</b>
<b>Neighborhood Goal/Policy:</b>	
N/A	

The Development Review Team Recommends that the request to Rezone property from No Use to Park Forest District to be approved for the following reasons:	
•	The subject property is currently zoned No Use District as a result of annexation. The Rezone is requested in order to bring the property into legal compliance with Park Forest Zoning District regulations;
•	A review of the criteria listed in Chapter 17.54.040.D of the Rapid City Municipal Code has resulted in no negative impacts as a result of the proposed amendment;

•	The Park Forest District is an appropriate Rezoning for No Use zoned property with existing residential structures that are adjacent to other agricultural and conservation zoned areas. Single-Family residences are a permitted use in the Park Forest District; and
•	The request complies with the Rapid City Comprehensive Plan.

**Staff recommends that the requested Rezone from No Use District to Park Forest District be approved.**