

STAFF REPORT

October 25, 2001

**No. 01RZ056 - Rezoning from Low Density Residential District to
Low Density Residential II District**

ITEM 26

GENERAL INFORMATION:

PETITIONER	3 T's Land Development
REQUEST	No. 01RZ056 - Rezoning from Low Density Residential District to Low Density Residential II District
LEGAL DESCRIPTION	Tract B of Minnesota Ridge Subdivision located in the NW1/4 SE1/4 Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.30 acres
LOCATION	West of 5th Street north of Minnesota Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Office Commercial District (PCD)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Rezoning from Low Density Residential District to Low Density Residential II District be approved with the condition that prior to City Council approval the applicant shall provide a metes and bounds description of that portion of Tract B that is currently zoned Low Density Residential.

GENERAL COMMENTS: This rezoning request has been submitted to rezone approximately 4.30 acres from Low Density Residential Zoning District to Low Density Residential II Zoning District. The property is located on the east side of Alta Vista Drive and south of the Black Hills Imaging Center. The site plan submitted with the Layout Plat that was approved in October, 2000 identified the subject property as an area for townhouse development.

STAFF REVIEW: Staff has reviewed this request 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.*

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Conditions in this area have been changing due to the development and expansion of medical facilities along Fifth Street, south of Fairmont Boulevard. The subject property abuts Office Commercial property on the north and Low Density Residential property on the south, east and west. Staff finds that the Low Density Residential II District zoning at this location will provide a buffer between the Office Commercial uses north of the subject property and the residential uses on the south, east and west of the subject property.

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

The purpose of the Low Density Residential District 2 Zoning District is "... to provide for a slightly higher population density, but with basic restrictions similar to Low Density Residential District 1. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area". The applicant has indicated that townhomes will be constructed on the subject property. The location of the property between medical offices and a residential development lends itself to providing a buffer between the commercial properties and the residential properties. Staff believes that the proposed rezoning of this property is consistent with the intent and 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.

Staff is not aware of any significant adverse affects that will result from the proposed rezoning. Low Density Residential II zoning at this location will provide a buffer for the residentially zoned properties to the south, east and west from the office commercial properties to the north. In addition, the Low Density Residential II Zoning District permits single family dwellings and two-family dwellings, a minimal increase in density from what is allowed for the surrounding residential properties. Staff does not believe there will be any significant adverse impacts upon the neighborhood or City in general as a result of this Zoning.

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 proposed amendment is in compliance with all adopted development plans. The South Robbinsdale Neighborhood Area Future Land Use Plan designates this area as appropriate for Low Density Residential land uses. The Low Density Residential II Zoning District is consistent with the Future Land Use Plan designation.

Staff review has also determined that a portion of the subject property is currently zoned Low Density Residential Zoning District and a portion is zoned Office Commercial Zoning District. In May, 2001 the Planning Department received an application for a

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Preliminary and Final Plat for Lot 2R of Block 28 of Robbinsdale Addition No. 10. A request to rezone Lot 2R from Low Density Residential Zoning District to Office Commercial Zoning District was also submitted that included a metes and bounds description that matched the boundaries of the proposed Lot 2R. When the applicant submitted the Final Plat document for Lot 2R, the south property lines were shifted north, reducing the size of Lot 2R from what had been originally submitted. However, the rezoning request was approved based on the metes and bounds description that was originally submitted resulting in a portion of Tract B being zoned Office Commercial Zoning District. Staff has notified the applicant that a metes and bounds description of that portion of Tract B that is currently zoned Low Density Residential Zoning District must be submitted prior to City Council approval of the rezoning request.

The required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned.