

# STAFF REPORT

January 4, 2001

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**RZN #00RZ055 - Rezoning from No Use District to Low  
Density Residential District**

**ITEM 18**

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GENERAL INFORMATION:

PETITIONER	Renner & Sperlich for South Elm Development
REQUEST	<b>RZN #00RZ055 - Rezoning from No Use District to Low Density Residential District</b>
LEGAL DESCRIPTION	Lot B of the N1/2 of Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.17 Acres
LOCATION	Between Elm Avenue and Parkview Drive, south of Hanover Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	General Agriculture District
West:	Public District
PUBLIC UTILITIES	None
REPORT BY	Bill Lass

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

GENERAL COMMENTS: This request is to rezone a fifteen acre tract of land from the No Use Zoning District to the Low Density Residential Zoning District. The subject property was included as part of an involuntary annexation approved by the City Council on December 17, 2000. The land had previously been annexed by the City in August, 1993 as part of a voluntary annexation request submitted by a property owner at that time. Staff recently learned, however, that just prior to the submission of the 1993 annexation petition, the property owner signing the petition sold a portion of the subject property thereby legally negating the annexation. Subsequent annexations have completely surrounded the property.

STAFF REVIEW: Staff has evaluated this rezoning request with respect to the four criteria established for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings is outlined below:

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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 believes that this rezoning request is reflective of changing conditions. The entire City, and the South Robbinsdale area in particular, have experienced significant growth in recent years. This growth has generated the need for additional residentially-zoned areas. The property directly to the north of the subject property has been subdivided and zoned Low Density Residential. Furthermore, the City limits extends well to the south of the subject property to Catron Boulevard. Changing conditions can also be evidenced through the City's Major Street Plan which identifies the future extension of Parkview Drive and Elm Street bordering the subject property on the east and west sides, respectively.

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

According to Chapter 17.10.010 of the Rapid City Municipal Code, the Low Density Residential – 1 Zoning District is intended to "...be used for single-family residential development with low population densities. ..." Staff believes the intent of the Ordinance will be met as the adopted South Robbinsdale Future Land Use Plan identifies low density residential land uses for the subject property.

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 does not believe any adverse effects will result from the proposed amendment. As noted, the existing zoning of the property located north of the subject property is Low Density Residential. Furthermore, the Future Land Use Plan identifies low density residential land uses for all property to the north, east and south of the subject property.

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.*

Staff believes the current rezoning request is consistent with all applicable plans including the Future Land Use Plan and the Major Street Plan as previously discussed.

The required rezoning sign has been posted on the property. The receipts from the required notification of surrounding property owners have not yet been returned. Staff will notify the Planning Commission in the event these receipts are not received prior to the January 4, 2000 Planning Commission meeting. Staff has not received any objections or inquiries regarding this request.

Based upon conformance with the criteria for review of zoning map amendments, Staff is recommending approval of the rezoning request.