

STAFF REPORT  
April 21, 2005

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**No. 05RZ020 - Rezoning from Low Density Residential District to Low Density Residential - II District**      **ITEM 25**

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GENERAL INFORMATION:

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| PETITIONER                 | Sperlich Consulting for Kensington Heights LLC  |
| REQUEST                    | <b>No. 05RZ020 - Rezoning from Low Density Residential District to Low Density Residential - II District</b>                      |
| EXISTING LEGAL DESCRIPTION | Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 1.276 Acres   |
| LOCATION                   | At the southeast corner of the intersection of Davin Drive and Field View Drive   |
| EXISTING ZONING            | Low Density Residential District  |
| SURROUNDING ZONING         |   |
| North:                     | Low Density Residential District  |
| South:                     | General Agriculture District  |
| East:                      | Low Density Residential District - General Agriculture District   |
| West:                      | Low Density Residential District  |
| PUBLIC UTILITIES           | City water and sewer  |
| DATE OF APPLICATION        | 2/25/2005   |
| REVIEWED BY                | Todd Tucker / Bob Dominicak   |

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to Low Density Residential - II District be continued to the **May 26, 2005 Planning Commission** meeting to allow this item to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.

GENERAL COMMENTS: **(This Staff Report was revised on April 11, 2005. All revised and/or added text is shown in bold text.) This item was continued at the March 24, 2005 Planning Commission meeting at the applicant's request.**

The subject property is located south of Field View Drive between Davin Drive and Elm Avenue. The subject property is currently zoned Low Density Residential. The property is located adjacent to Low Density Residential properties on all sides. The applicant is requesting that the zoning be changed from Low Density Residential to Low Density

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Residential II. The applicant has also submitted a Comprehensive Plan Amendment (05CA014) to change the future land use designation on the subject property from Low Density Residential to Low Density Residential II.

STAFF REVIEW: Staff has reviewed this proposed Rezoning request 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 districts affected or in the City in general.*

The subject property was annexed into the City of Rapid City in 1993. The property is located in a transitional area of residential development in the City. The property to the north of the subject property is an established area of single-family structures and the property to the south and east of the subject property is an area of new development. Staff has not identified any substantially changed or changing conditions in the area that would necessitate the proposed amendment.

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

Low Density Residential II Zoning Districts are intended to be used for residential development with slightly higher population density, but with the basic restrictions similar to the Low Density Residential Zoning District. The principle use of land is for single-family and two-family dwellings. This area of the City, south of Minnesota Street along Elm Avenue, is an area of established residential development. Staff recommends that the applicant obtain a Planned Development Designation for the subject property to insure that any possible adverse impacts from the construction of townhouses or duplexes on the subject property are properly mitigated. **As of this writing, the applicant has not submitted a Planned Development Designation application 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.*

The subject property is located adjacent to the Low Density Residential Zoning District on all sides. There are numerous existing single-family residential structures located on the properties to the north. To insure that any townhouse or duplex structures constructed on the subject property do not adversely impact the existing single-family properties in the area, staff recommends that the applicant obtain a Planned Development Designation for the subject property prior to City Council approval of the Rezoning request.

Staff noted that the required sign has been posted on the property and the required legal notification to the surrounding property owners has been mailed out. Staff has received written opposition and several phone calls in opposition to the Rezoning request. The phone calls and letters of opposition from the surrounding property owners have indicated that they wish for the subject property to remain Low Density Residential.

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*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 South Robbinsdale Neighborhood Area Future Land Use Plan identifies the subject property as appropriate for Low Density Residential development. As previously indicated, the applicant has requested a Comprehensive Plan Amendment to change the future land use designation for the subject property from Low Density Residential to Low Density Residential II. If that request is approved, the proposed rezoning will be consistent with the adopted Comprehensive Plan. However, the Future Land Use Committee is recommending that the Comprehensive Plan Amendment be denied without prejudice to allow the applicant to include a request to place a Planned Development Designation on the subject property and for that request to be re-advertised and new legal notification be sent to the surrounding property owners. **The next available submittal deadline for development applications is April 29, 2005. If the revised Comprehensive Plan Amendment including a Planned Development is submitted on April 29, 2005, it would be heard at the May 26, 2005 Planning Commission meeting.** As such, staff is recommending that this item be continued to the **May 26, 2005** Planning Commission meeting to allow this request to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.