

STAFF REPORT
July 21, 2005

No. 05RZ020 - Rezoning from Low Density Residential District to Low Density Residential - II District **ITEM 35**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Kensington Heights LLC
REQUEST	No. 05RZ020 - Rezoning from Low Density Residential District to Low Density Residential - II District
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 **denied without prejudice**.

GENERAL COMMENTS: (July 9, 2005 Update) This item was continued at the June 23, 2005 Planning Commission meeting to allow the applicant time to submit an application for a Comprehensive Plan Amendment to change the future land use designation of the subject property from Low Density Residential to Low Density Residential-II with a Planned Residential Development and to submit an application for a Planned Development Designation. The applicant was also notified that if an application for a Comprehensive Plan Amendment and a Planned Development Designation was not submitted by June 24, 2005 that staff would recommend that this item be denied without prejudice. As of this writing, neither a Comprehensive Plan Amendment nor a Planned Development Designation application has been submitted.

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As such, staff is recommending that this item be denied without prejudice.

(June 13, 2005 Update) This item was continued at the May 26, 2005 Planning Commission meeting to allow the applicant time to submit an application for a Comprehensive Plan Amendment to change the future land use designation of the subject property from Low Density Residential to Low Density Residential-II with a Planned Development and to submit an application for a Planned Development Designation.

As of this writing, the applicant has not submitted the required Comprehensive Plan Amendment or the Planned Development Designation request.

(May 13, 2005 Update) This item was continued at the April 21, 2005 Planning Commission meeting to allow the applicant time to submit an application for a Comprehensive Plan Amendment to change the future land use designation of the subject property from Low Density Residential to Low Density Residential-II with a Planned Development and to submit an application for a Planned Development Designation.

As of this writing, the applicant has not submitted the required Comprehensive Plan Amendment or the Planned Development Designation request. On May 13, 2005, the applicant indicated that they would be contacting the property owner to identify the future development of the subject property.

(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 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

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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.

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

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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.

The applicant has not submitted the required Comprehensive Plan Amendment to change the future land use designation of the subject property from Low Density Residential to Low Density Residential-II with a Planned Development or a Planned Development Designation. The next available submittal deadline for development applications is May 27, 2005. If the revised Comprehensive Plan Amendment including a Planned Development is submitted on May 27, 2005, it would be heard at the June 23, 2005 Planning Commission meeting. As such, staff is recommending that this item be continued to the June 23, 2005 Planning Commission meeting to allow this request to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.

The applicant has not submitted the required Comprehensive Plan Amendment to change the future land use designation of the subject property from Low Density Residential to Low Density Residential-II with a Planned Development or a Planned Development Designation. The next available submittal deadline for development applications is June 24, 2005. If the revised Comprehensive Plan Amendment including a Planned Development is submitted by June 24, 2005, it would be heard at the July 21, 2005 Planning Commission meeting. As such, staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting to allow this request to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.

If an application for the required Comprehensive Plan Amendment and Planned Development Designation is not submitted by the June 24, 2005 deadline, staff will recommend that the Rezoning request be denied without prejudice at the July 21, 2005 Planning Commission meeting.

As previously indicated, the applicant did not submit the required Comprehensive Plan Amendment or the Planned Development Designation applications by the June 24, 2005 deadline. As such, staff is recommending that the Rezoning request be denied without prejudice.