

STAFF REPORT  
May 21, 2009

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**No. 09RZ024 - Rezoning from No Use District to Low Density Residential District**      **ITEM 14**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Multiple Property Owners
REQUEST	<b>No. 09RZ024 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	All of the SE1/4 NE1/4 including the west half of Valley Drive right-of-way adjacent to the SE1/4NE1/4, less Lot 5 of Marshall Subdivision, less the south 25 feet of Homestead Street right-of-way adjacent to Lot 5 of Marshall Subdivision, and less the south 293 feet of Lot 6 of Marshall Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the NE1/4 SE1/4 lying north of S.D. Highway 44 including the west half of Valley Drive right-of-way, less Lots 4, 5, 14, 15 Revised and 17 of Hillsvievw Subdivision and less the western most 33 feet of Valley Drive right-of-way lying south of Lot 13 of Hillsvievw Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 53.31 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District (Public District)
South:	General Commercial District - Low Density Residential District - Public District
East:	General Agriculture District
West:	Public District - Low Density Residential District - Medium Density Residential District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	9/1/424
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Low

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Density Residential District be approved.

GENERAL COMMENTS: The proposed rezoning contains 56 separate properties incorporating 53.31 acres. The area to be rezoned is located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north of the property is zoned Low Density Residential District, General Agriculture District, and Public District. Land located south of the property is zoned General Commercial District, Low Density Residential District and Medium Density Residential District. Land located west of the property is zoned Public District, Low Density Residential District and Medium Residential District. Land located east of the property is zoned General Agriculture District. All the properties were zoned Suburban Residential District by Pennington County prior to annexation.

The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the properties as appropriate for Low Density Residential uses. Currently, single family residences and multi-family mobile home residences are located on the properties.

STAFF REVIEW: Staff has reviewed this proposed rezoning 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 district affected, or the City in general.*

A City initiated annexation of the property (#08AN007) was effective July 29, 2008. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The purpose of the Low Density Residential District as stated in the Zoning Ordinance is to be used for single-family residential development with low population densities. Single family and multi-family mobile home residences are located on the properties. The multi-family use of any property does not meet the requirements of the Low Density Residential Zoning District. As such, any existing multi-family residential use in the proposed rezoning area will be considered a legal non-conforming use. Any future development of those properties will require that it conform to the requirements of the Low Density Residential Zoning District. Access to the properties is from S.D. Highway 44 along Valley Drive and along Rockhill Road. The properties are adjacent to residential land uses to the north, south and west. Due to the adjacent land uses, the rezoning of these properties appears to be appropriate and consistent with the intent and purposes of this 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 amendment.*

The properties are located adjacent to residential land uses. Access to the properties is

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from S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The properties are located within the Rapid Valley Sanitary District. Staff is not aware of any significant adverse effects that will result from rezoning the properties from No Use District to Low Density Residential District.

*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.*

The properties have access to S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for Low Density Residential land uses. Rezoning the properties from No Use District to Low Density Residential District is consistent with the adopted Comprehensive Plan.

As of this writing, the required signs have been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 21, 2009 Planning Commission meeting if this requirement has not been met.

A letter was sent to all the property owners with information about the proposed rezoning of their property. Staff has received several inquiries about the proposed request to rezone these properties, but has received no objections at the time of this writing. The existing use of the multi-family mobile home properties may continue under the Low Density Residential Zoning designation, but any development of those properties will require that it conform to the requirements of the Low Density Residential Zoning District. Staff recommends the rezoning from No Use District to Low Density Residential District be approved.