

STAFF REPORT

June 5, 2008

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**No. 08RZ017 - Rezoning from No Use District to Low Density Residential District**

**ITEM 27**

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GENERAL INFORMATION:

APPLICANT	Joe Muth for Doeck, L.L.C.
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Doeck LLC
REQUEST	<b>No. 08RZ017 - Rezoning from No Use District to Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	A portion of the SE¼ of the NE¼, and a portion of the NE¼ of the SE¼, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning
PARCEL ACREAGE	Approximately 7.228 acres
LOCATION	At the western terminus of Cobalt Drive
EXISTING ZONING	No Use District

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SURROUNDING ZONING

North:	No Use District
South:	No Use District
East:	Low Density Residential District
West:	No Use District

PUBLIC UTILITIES                      City Water and Sewer

DATE OF APPLICATION                5/9/2008

REVIEWED BY                            Karen Bulman / Mary Bosworth

**RECOMMENDATION:** Staff recommends that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

**GENERAL COMMENTS:** This undeveloped property contains approximately 7.228 acres and is located at the western terminus of Cobalt Drive. The property was annexed effective October 11, 2007 (File #07AN004) and is currently zoned No Use District. A Preliminary Plat (File #08PL020) to subdivide the property into residential lots as part of Phase Four of Auburn Hills Subdivision was approved April 21, 2008 by the City Council.

Land located north, south and west of the property is zoned No Use District. Land located east of the property is zoned Low Density Residential District. The draft Deadwood Avenue Neighborhood Future Land Use Plan indicates that the land use appropriate for this property is Planned Residential Development with one dwelling unit per three acres. The Adopted Comprehensive Plan indicates that the property is appropriate for Park Forest land use. A Comprehensive Plan Amendment (File #08CA019) to change the land use from Park Forest to Low Density Residential has been submitted in conjunction with this rezoning request.

**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 districts affected or in the City in general.*

The property has been annexed into the City limits (File #07AN004) and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. Residential development is located adjacent and east of the property. The extension of water, sewer, and streets within that project increases the development of the area. The proposal to rezone the property to Low Density Residential Zoning District is reflective of the adjacent residential development. The extension of infrastructure is a substantially changing condition of the area.

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

The Low Density Residential Zoning District is intended to be used for single family residential development with low population densities. The property is located adjacent to Low Density Residential Zoning District. This rezoning request is to allow for a proposed continuation of the Auburn Hills Subdivision to be developed. Access to the property will be taken from Cobalt Drive. The Comprehensive Land Use Plan identifies the property as appropriate for Park Forest land use. An Amendment to the Comprehensive Plan to change the land use from Park Forest to Low Density Residential has been submitted in conjunction with this request. The proposed rezoning from No Use District to Low Density Residential District is consistent with the surrounding zoning designations and the intent 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 an amendment.*

The property is located adjacent to an existing Low Density Residential Zoning District. The proposed rezoning would provide an extension of the existing zoning. A Preliminary Plat (File #08PL020) has been approved to subdivide the property into residential lots as part of Phase Four of Auburn Hills Subdivision. The future extension of Cobalt Street will provide access to the property. Water and sewer are located in Cobalt Street and are proposed to be extended into the property as development occurs. Staff has indicated that there is water and sewer capacity available to serve the property without additional improvements and there is adequate water flows for fire and domestic usage. Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Low Density Residential District.

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 draft Deadwood Avenue Neighborhood Future Land Use Plan identifies that this property is appropriate for a Planned Residential Development with one dwelling unit per three acres. The adopted Comprehensive Plan identifies this property as appropriate for Park Forest land uses. An associated Comprehensive Plan Amendment to change the land use from Park Forest to Low Density Residential has been submitted in conjunction with this rezoning request. The Future Land Use Committee met May 15, 2008 and approved the land use change from Park Forest to Low Density Residential for this property. If the Comprehensive Plan Amendment is approved, the proposed rezoning will be consistent with the adopted Comprehensive Plan.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 5, 2008 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

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