

STAFF REPORT

July 5, 2012

No. 12RZ010 - Rezoning from General Agriculture District to Low Density Residential District

ITEM 6

GENERAL INFORMATION:

APPLICANT	Joe Muth - Doeck, LLC
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Doeck LLC
REQUEST	No. 12RZ010 - Rezoning from General Agriculture District to Low Density Residential District

EXISTING
LEGAL DESCRIPTION

A portion of NW1/4 of the SW1/4 of Section 13, T2N, R7E, B.H.M., a portion of the NE1/4 of the SE1/4 of Section 14, T2N, R7E, B.H.M., and a portion of the SE1/4 of the NE1/4 of Section 14, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 12 of Auburn Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 13 T2N, R7E, B.H.M, and the Point of Beginning; Thence, first course: N89°46'22"W, a distance of 228.79 feet, to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.M.H.; Thence, second course: S00°02'25"W, along the Section Line common to said Section 13 and Section 14, a distance of 6.65 feet, to a point on the Section Line common to said Section 13 and Section 14; Thence, third course: N89°46'22"W, a distance of 178.43 feet; Thence, fourth course: N00°13'38"E, a distance of 20.22 feet; Thence, fifth course: N89°46'22"W, a distance of 126.00 feet; Thence, sixth course: N00°13'38"E, a distance of 520.68 feet; Thence, seventh course: N35°20'07"W, a distance of 57.42 feet; Thence, eighth course: N46°19'06"W, a distance of 297.40 feet; Thence, ninth course: N00°21'21"W, a distance of 567.54 feet; Thence, tenth course: N14°28'41"W, a distance of 205.24 feet; Thence, eleventh course: N00°07'31"W, a distance of 343.36 feet; Thence, twelfth course: N89°52'29"E, a distance of 293.68 feet, to the northwesterly corner of Lot 1 of Block 11 of Auburn Hills Subdivision; Thence, thirteenth course: S00°07'31"E, along the westerly boundary of said Lot 1 of Block 11 of Auburn Hills Subdivision, a distance of 110.00 feet to the southwesterly corner of said Lot 1 of Block 11, common to a point on the northerly edge of the right-of-way of Cobalt Drive; Thence, fourteenth course: S89°52'29"W,

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along the northerly edge of the right-of-way of said Cobalt Drive, a distance of 0.75 feet, to the northwesterly end of the dedicated right-of-way of said Cobalt Drive; Thence, fifteenth course: S00°07'31"E, along the westerly end of the dedicated right-of-way of said Cobalt Drive, a distance of 52.00 feet, to the northwesterly corner of Lot 1 of Block 10, common to the southwestly end of the dedicated right-of-way of said Cobalt Drive; Thence, sixteenth course: S00°21'21"E, along the westerly boundary of said Lot 1 of Block 10 of Auburn Hills Subdivision, a distance of 85.00 feet, to the southwestly corner of said Lot 1 of Block 10, common to the northwesterly corner of Lot 2 of Block 10 of Auburn Hills Subdivision; Thence, seventeenth course: S14°28'41"E, along the westerly boundary of said Lot 2 of Block 10 of Auburn Hills Subdivision, a distance of 101.98 feet, to the southwestly corner of said Lot 2 of Block 10, common to the northwesterly corner of Lot 3 of Block 10 of Auburn Hills Subdivision; Thence, eighteenth course: S14°28'41"E, along the westerly boundary of said Lot 3 of Block 10 of Auburn Hills Subdivision, a distance of 80.10 feet, to the southwestly corner of said Lot 3 of Block 10, common to the northwesterly corner of Lot 4 of Block 10 of Auburn Hills Subdivision; Thence, nineteenth course: S00°21'21"E, along the westerly boundary of said Lot 4 of Block 10 of Auburn Hills Subdivision, a distance of 69.50 feet, to the southwestly corner of said Lot 4 of Block 10, common to the northwesterly corner of Lot 5 of Block 10 of Auburn Hills Subdivision; Thence, twentieth course: S00°21'21"E, along the westerly boundary of said Lot 5 of Block 10 of Auburn Hills Subdivision, a distance of 69.18 feet, to the southwestly corner of said Lot 5 of Block 10, common to the northwesterly corner of Lot 6 of Block 10 of Auburn Hills Subdivision; Thence, twenty-first course: S00°21'21"E, along the westerly boundary of said Lot 6 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwestly corner of said Lot 6 of Block 10, common to the northwesterly corner of Lot 7 of Block 10 of Auburn Hills Subdivision; Thence, twenty-second course: S00°21'21"E, along the westerly boundary of said Lot 7 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwestly corner of said Lot 7 of Block 10, common to the northwesterly corner of Lot 8 of Block 10 of Auburn Hills Subdivision; Thence, twenty-third course: S00°21'21"E, along the westerly boundary of said Lot 8

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of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwesterly corner of said Lot 8 of Block 10, common to the northwesterly corner of Lot 9 of Block 10 of Auburn Hills Subdivision; Thence, twenty-fourth course: $S00^{\circ}21'21''E$, along the westerly boundary of said Lot 9 of Block 10 of Auburn Hills Subdivision, a distance of 98.81 feet, to the southwesterly corner of said Lot 9 of Block 10, common to the northwesterly corner of Lot 10 of Block 10 of Auburn Hills Subdivision; Thence, twenty-fifth course: $S00^{\circ}21'21''E$, along the westerly boundary of said Lot 10 of Block 10 of Auburn Hills Subdivision, a distance of 99.45 feet, to the southwesterly corner of said Lot 10 of Block 10, common to the northwesterly corner of Lot 11 of Block 10 of Auburn Hills Subdivision; Thence, twenty-sixth course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 11 of Block 10 of Auburn Hills Subdivision, a distance of 133.08 feet, to the southwesterly corner of said Lot 11 of Block 10, common to the northwesterly corner of Lot 12 of Block 10 of Auburn Hills Subdivision; Thence, twenty-seventh course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 12 of Block 10 of Auburn Hills Subdivision, a distance of 102.81 feet, to the southwesterly corner of said Lot 12 of Block 10, common to the northwesterly corner of Lot 13 of Block 10 of Auburn Hills Subdivision; Thence, twenty-eighth course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 13 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwesterly corner of said Lot 13 of Block 10, common to the northwesterly corner of Lot 14 of Block 10 of Auburn Hills Subdivision; Thence, twenty-ninth course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 14 of Block 10 of Auburn Hills Subdivision, a distance of 48.75 feet, to a point on the southwesterly boundary of said Lot 14 of Block 10, common to the northwesterly corner of Lot 20 of Block 10 of Auburn Hills Subdivision, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirtieth course: $S00^{\circ}02'25''W$, along the westerly boundary of said Lot 20 of Block 10 of Auburn Hills Subdivision, common to the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M., a distance of 224.86 feet, to the southwesterly corner of said Lot 20 of Block 10, common with the northwesterly end of the dedicated right-of-way of Gainsboro Drive, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E,

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B.H.M.; Thence, thirty-first course: $S00^{\circ}02'25''W$, along the westerly end of the dedicated right-of-way of said Gainsboro Drive, common to the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M., a distance of 49.00 feet, to the northwesterly corner of Lot 5 of Block 9 of Auburn Hills Subdivision, common to the southwesterly end of the right-of-way of said Gainsboro Drive, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirty-second course: $S00^{\circ}02'25''W$, along the westerly boundary of said Lot 5 of Block 9 of Auburn Hills Subdivision, common to the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M., a distance of 110.00 feet, to the southwesterly corner of said Lot 5 of Block 9, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirty-third course: $S89^{\circ}46'22''E$, along the southerly boundary of said Lot 5 of Block 9 of Auburn Hills Subdivision, a distance of 79.64 feet, to the southeasterly corner of said Lot 5 of Block 9, common to the southwesterly corner of Lot 4 of Block 9 of Auburn Hills Subdivision; Thence, thirty-fourth course: $S89^{\circ}46'22''E$, along the southerly boundary of said Lot 4 of Block 9 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southeasterly corner of said Lot 4 of Block 9, common to the southwesterly corner of Lot 3 of Block 9 of Auburn Hills Subdivision; Thence, thirty-fifth course: $S89^{\circ}46'22''E$, along the southerly boundary of said Lot 3 of Block 9 of Auburn Hills Subdivision, a distance of 78.50 feet, to the southeasterly corner of said Lot 3 of Block 9, common to the southwesterly corner of Lot 2 of Block 9 of Auburn Hills Subdivision, and common to the northwesterly corner of Lot 1 of Block 9 of Auburn Hills Subdivision; Thence, thirty-sixth course: $S00^{\circ}13'38''W$, along the westerly boundary of said Lot 1 of Block 9 of Auburn Hills Subdivision, a distance of 110.00 feet, to the southwesterly corner of said Lot 1 of Block 9 of Auburn Hills Subdivision, common to a point on the northerly edge of the dedicated right-of-way of Auburn Drive; Thence, thirty-seventh course: $N89^{\circ}46'22''W$, along the northerly edge of the dedicated right-of-way of said Auburn Drive, a distance of 8.50 feet, to the northwesterly end of the dedicated right-of-way of said Auburn Drive; Thence, thirty-eighth course: $S00^{\circ}13'38''W$, along the westerly end of the dedicated right-of-way of said Auburn Drive, a distance of 52.00

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feet, to the southwesterly corner of the dedicated right-of-way of said Auburn Drive, common to the northwesterly corner of said Lot 1 of Block 12 of Auburn Hills Subdivision; Thence, thirty-ninth course: S00°13'38"W, along the westerly boundary of said Lot 1 of Block 12 of Auburn Hills Subdivision, a distance of 100.00 feet, to the southwesterly corner of said Lot 1 of Block 12 of Auburn Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 13 T2N, R7E, B.H.M, and the Point of Beginning

PARCEL ACREAGE	Approximately 14.956 acres
LOCATION	West of the current western terminus of Auburn Drive extending north and lying west of the current western terminus of Cobalt Drive
EXISTING ZONING	General Agriculture District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Low Density Residential I District
West:	General Agriculture District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	June 8, 2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Low Density Residential District be approved.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from General Agriculture District to Low Density Residential District. In addition, the applicant has submitted a Preliminary Subdivision Plan (File #12PL025) to subdivide the above legally described property into 48 residential lots.

The property is located west of the current western terminus of Auburn Drive extending north and lying west of the current western terminus of Cobalt Drive. Currently, the property is undeveloped.

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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 generally.*

The applicant has submitted a Preliminary Subdivision Plan to subdivide the above legally described property into 48 residential lots. The extension of infrastructure for the proposed subdivision changes conditions, supporting the rezoning request.

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

The purpose of the Low Density Residential Zoning District as stated in the Zoning Ordinance is to provide land to be used for single-family residential development with low population densities. The Zoning Ordinance is the tool that enforces the Comprehensive Plan. The above legally described property is located west of the current western terminus of Auburn Drive extending north and lying west of the current western terminus of Cobalt Drive. The City's Major Street Plan identifies a proposed collector street located across the property. Land located north, south and west of the property is zoned General Agricultural District. Land located east of the property is zoned Low Density Residential District. The City's adopted Future Land Use Plan identifies the appropriate use of the property as residential. The General Agricultural District serves as a holding zone for future residential development. The rezoning of this property 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 an amendment.*

The City's adopted Future Land Use Plan identifies the appropriate use of the property as residential. The properties to the east are also zoned Low Density Residential District. It does not appear that the proposed rezoning request will have an adverse affect.

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 property is currently undeveloped. The City's Major Street Plan shows a proposed collector street located across the property. The City's adopted Comprehensive Plan identifies the future land use as Residential. The General Agricultural Zoning District serves as a holding zone for future residential development. The proposed rezoning is consistent with the Development Plan of Rapid City.

The rezoning request meets all four criteria for review of zoning map amendments as

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per Section 17.54.040(D)(1). As such, staff recommends that the rezoning from General Agricultural District to Low Density Residential District be approved.

Notification Requirement: As of this writing, the white slips and green cards have not been returned. The required sign has not been posted on the property. Staff will notify the Planning Commission at the July 5, 2012 Planning Commission meeting if these requirements have not been met.