

STAFF REPORT

April 9, 2015

**No. 15RZ005 - Rezoning from Low Density Residential District I to
Low Density Residential District II**

ITEM 17

GENERAL INFORMATION:

APPLICANT	TJ Wojtanowicz - VIP Properties
AGENT	Ron Bengs - Advanced Engineering
PROPERTY OWNER	Bruce C and Albina Kulpaca
REQUEST	No. 15RZ005 - Rezoning from Low Density Residential District I to Low Density Residential District II

EXISTING
LEGAL DESCRIPTION

That portion of Lot 13R of Block 6 of Park Hill Subdivision lying in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section , Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as follows: beginning at a point marked "LS 1019" for the Northwest corner of said Lot 13R and the Southwest corner of Lot 12 of Block 6 of Park Hill Subdivision on the East right-of-way line of Churchill Street, as shown on the Plat of Lots 13R and 14 of Block 6 of Park Hill Subdivision, recorded as Document No. A201316818 in the office of the Pennington County Register of Deeds; Thence, South 89° 53' 44" East, along the North line of Lot 13R, a distance of 660.36 feet to a survey monument marked "LS 6565" for the Southeast corner of Lot 4 of Block 6 of Park Hill Subdivision and the intersection of said North line of Lot 13R with the "Section 1/16th line" forming the East boundary of said NW1/4 SE1/4 of Section 7, from which a point marked "LS 1771" for the Northeast corner of Lot 13R bears South 89° 53' 44" East a distance of 280.06 feet, as shown on said Plat of Lots 13R and 14; Thence, South 00° 01' 49" East, crossing through Lot 13R along said "Section 1/16th line", a distance of 327.51 feet to a point marked "T-Bar" for a Northeast corner of Robbinsdale Park Addition and the Northwest corner of Lot A of Lot 2 of Superpumper Addition and an angle point in the South line of Lot 13R from which a survey monument marked "LS 6565" for the Southeast corner of Lot 13R bears South 89° 24' 51" East a distance of 279.86 feet, as shown on said Plat of Lots 13R and 14; Thence, South 89° 59' 27" West, along the South line of Lot 13R and North line of said Robbinsdale Park Addition, a distance of 660.53 feet to a survey

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monument marked "LS 6565" for the Southwest corner of Lot 13R and the Southeast right-of-way corner of said Churchill Street, as shown on said Plat of Lots 13R and 14; Thence, North 00° 00' 07" West, along the West line of Lot 13R and said East right-of-way line of Churchill Street, a distance of 328.82 feet as shown on said Plat of Lots 13R and 14 to the point of beginning

PARCEL ACREAGE	Approximately 4.976 acres
LOCATION	East of the intersection of Hoefer Avenue and Churchill Street
EXISTING ZONING	Low Density Residential District
FUTURE LAND USE DESIGNATION	Low Density Neighborhood
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Park Forest District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 24, 2015
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District I to Low Density Residential District II be approved.

GENERAL COMMENTS:

(Update, March 27, 2015. All revised and/or added text is shown in bold print.) This item was continued at the March 26, 2015 Planning Commission meeting due to a lack of quorum. Staff recommends that the Rezoning request be approved. The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Low Density Residential District I to Low Density Residential District II for a parcel of land approximately 4.976 acres in size.

The applicant has also submitted a Preliminary Subdivision Plan (File #15PL010) to subdivide the property into 32 townhome lots.

The property is located east of the intersection of Hoefer Avenue and Churchill Street. Currently, the property is void of structural development.

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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 generally.*

The applicant has submitted a Preliminary Subdivision Plan (File #15PL010) showing the subdivision of the subject property into 32 townhome lots. The plan includes the dedication of right-of-way and the extension of Hoefer Avenue terminating in a cul-de-sac. The City's Future Land Use Plan identifies the property as suitable for Low Density Neighborhood.

2. *The proposed amendments shall be consistent with the intent and purposes of this title.*

The Rapid City Municipal Code states that the Low Density Residential District II is established to provide for higher population density with the principal uses of land ranging from single-family to two-family dwellings. The City's Future Land Use Plan identifies the property as suitable for Low Density Neighborhood. It appears that the rezoning request is consistent with the intent and purpose of the Zoning Ordinance.

3. *The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.*

The property is currently zoned Low Density Residential District I. The property is identified as suitable for Low Density Neighborhood on the City's Future Land Use Map. The applicant has also submitted a Preliminary Subdivision Plan to subdivide the property into 32 lots for a mix of townhomes and single-family dwellings. Public Works staff has indicated that there may be water and sewer capacity issues depending on the intensity of development. An Exception has been granted to allow 32 housing units to be served by a cul-de-sac in lieu of the maximum 20 units provided that the proposed structures are fire sprinkler protected. As of this writing, the Preliminary Subdivision Plan has not been set for hearing before the Planning Commission. **The Preliminary Subdivision Plan has been set for hearing before the Planning Commission at the April 9, 2015 meeting. The applicant has submitted utility and drainage information that addresses staff's concerns. In particular, the applicant has demonstrated how through grading and contouring of the site, stormwater drainage will be conducted from the subject property and from the properties to the north whose backyards slope down into the subject property, to stormwater features.**

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.*

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The proposed Rezoning is not in conflict with the Major Street Plan or the Future Land Use Plan.

Summary: The City's Future Land Use Plan identifies the property as suitable for Low Density Neighborhood. Two-family dwellings are identified as a primary use in the district. The applicant has also submitted a Preliminary Subdivision Plan to subdivide the property into 32 single-family and townhome lots. It appears that the rezoning request is consistent with the intent and purpose of the Zoning Ordinance. Staff recommends that the rezoning request be approved.

Notification: The mailings have been returned to Community Planning and have been posted. Staff has confirmed that the sign has been posted on the property.