

STAFF REPORT

March 7, 2002

No. 02RZ009 - Rezoning from No Use District to General Agriculture District **ITEM 21**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02RZ009 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	U.S. Interstate 90 and right-of-way from Deadwood Avenue eastward, all located within Section 21, 22, and 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, including Lot H1 NE1/4 SE1/4, Lot H1 SE1/4 SE1/4, all located in Section 21, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Lot H1, Lot H1 of Lot Y of Lot H2, Lot H1 of Lot X of Lot H2, all located in SW1/4 of Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Lot H W1/2 NW1/4 and NE1/4 NW1/4, and Lot H1 NE1/4, all located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 71.862 acres
LOCATION	U.S. Interstate 90 from Deadwood Avenue eastward through Sections 21, 22 and 27
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Right-of-Way (Lange Road)/Light Industrial District/Limited Agriculture District (County)
South:	General Agriculture District/Limited Agriculture District/General Commercial District/Right-of-Way (Deadwood Avenue)
East:	Interstate Right-of-Way
West:	Interstate Right-of-Way
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	02/06/2002
REPORT BY	Karen Bulman

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

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Agriculture District be approved.

GENERAL COMMENTS: The property is the U.S. Interstate 90 right-of-way from Deadwood Avenue eastward through Sections 21, 22 and 27. This property was annexed into the City effective November 19, 2001 and is currently designated as a No Use Zoning District. The No Use Zoning District is a temporary zoning designation utilized when property is annexed into the City of Rapid City, pursuant to the provisions of Section 17.26.020 of the Rapid City Municipal Code. The City of Rapid City has 120 days to identify the correct zoning for the property and complete the rezoning process. The purpose of this application is to complete that process.

A Light Industrial Zoning District and Limited Agriculture Zoning District by Pennington County and Lange Road right-of-way are located north of this right-of-way. Land to the south of the subject property is zoned Light Industrial, General Commercial, and General Agriculture by the City and also includes Deadwood Avenue right-of-way. U.S. Interstate 90 right-of-way continues east and west of this property.

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 subject property was annexed into the City on November 19, 2001. All annexed lands are temporarily placed in the No Use Zoning District. The recent 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.

This property is the U.S. Interstate 90 right-of-way eastward from Deadwood Avenue through Sections 21, 22, and 27. This right-of-way is located adjacent to property with several different zoning designations. Rezoning U.S. Interstate 90 right-of-way as a General Agricultural District is appropriate as a holding designation. If for some unforeseen reason, portions of the H-Lots were returned to the prior owners or portions of the right-of-way were vacated, the landowners could rezone the parcels to the appropriate designation at that time. The General Agricultural Zoning District allows rights-of-way as well as accessory uses such as the erection of highway road signs, mowing of ditches, and construction of utilities.

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 amendment should not have a significant affect on any of the surrounding land

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uses or on public infrastructure as the subject property is right-of-way only.

- 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 Rapid City Comprehensive Plan for this area shows the subject property with an Agricultural land use designation.

An updated Future Land Use Neighborhood Plan has not yet been developed for this area.

Staff has mailed certified letters to notify surrounding property owners of the proposed rezoning and has posted the required sign on this property. As of this date, staff has received no comments or objections regarding this request.