

STAFF REPORT

March 25, 2004

No. 04RZ011 - Rezoning from No Use District to Public District

ITEM 57

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ011 - Rezoning from No Use District to Public District
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 2108.32 feet to the true point of beginning; thence N00°02'25"E, 539.93 feet to a point lying on the north line of said SW1/4; thence N89°48'23"E, along said north line, 1275.18 feet; thence departing said north line S00°01'44"W, 561.85 feet; thence N88°49'19"W, 1275.54 feet; to the point of beginning containing 16.127 acres more or less
PARCEL ACREAGE	Approximately 16.127 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District /General Commercial District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/27/2004
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Public District be approved in conjunction with the related Comprehensive Plan Amendment.

GENERAL COMMENTS: This undeveloped property contains approximately 16.127 acres and is located along the east boundary of North Elk Vale Road north of U.S. Interstate 90.

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Upon approval of the related annexation, this property will be zoned No Use District.

In addition to this Rezoning application, the applicant has submitted fifteen companion applications including: A Petition to Annex, Preliminary Plat, Subdivision Variance, four Rezoning applications, three Planned Development applications, and five Comprehensive Plan Amendments (See companion items: 04PL020, 04SV014, 04AN002, 04CA005, 04PD014, 04RZ009, 04CA006, 04PD015, 04RZ010, 04CA007, 04RZ008, 04CA008, 04RZ012, 04CA009, and 04PD016).

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.*

A voluntary annexation of the subject property (04AN002) has been submitted in conjunction with this Rezoning application. All annexed lands are temporarily placed in the 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.*

Public Zoning District is intended to provide for facilities which serve the general public that are operated by the United States of America, the State of South Dakota or any political subdivision which qualifies for exemption from property taxes, or non-profit organizations. The applicant has indicated that the State of South Dakota may locate a detention facility on the property. The applicant is proposing to rezone the property located south of the subject property from No Use District to Light Industrial District (04RZ009). The property located to the north is currently zoned General Agriculture District by Pennington County. The low densities allowed on the surrounding properties and the industrial land use adjacent to the subject property indicates the property may be appropriate for the detention facility and or other public facilities. Based on the surrounding land uses, rezoning the property Public District appears to be appropriate.

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.*

Staff is unaware of any significant adverse effects that will result from the proposed rezoning.

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.*

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The Future Land Use Committee met on February 13, 2004 and recommended an Amendment to the Comprehensive Plan to change the land use on the subject property from General Agriculture land use to Public land use. If the related Amendment to the Comprehensive Plan (04CA008) is approved, rezoning this property from No Use District to Public District will be consistent with the adopted Comprehensive Plan.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.