

STAFF REPORT  
November 9, 2006

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**No. 06RZ044 - Rezoning from No Use District to General Agriculture District      ITEM 53**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 06RZ044 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	SW1/4 NW1/4, W1/2 SW1/4, Section 23, T2N, R7E; W1/2 NW1/4 lying North of Interstate 90, Section 26, T2N, R7E; the unplatted portion of N1/2 lying north of Interstate 90, Section 27, T2N, R7E; and, all of Section 22 lying north of Interstate 90 less Lot 1 thru 3 of R & L Subdivision and less Lot 1R Revised and Lot 2R Revised of Summit Industrial Park, all located in Section 22; and less Lot B of W1/2SW1/4 less Lot H1 and Lot Y of Lot H2 of SW1/4 less Lot H1 and Less Lot H2, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and less E1/2, SE1/4 SE1/4, SW1/4 SW1/4; SW1/4 SW1/4, SE1/4 SW1/4; W1/2 SE1/4, SW1/4 SE1/4 SW1/4; S1/2 NW1/4, SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; All less R & L Subdivision, less a strip of land 80' wide adjacent and parallel to SE line of Lot 3, R & L Subdivision, less a strip of land 100' wide adjacent and parallel to north boundary of I-90 and less ROW, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 824.11 acres
LOCATION	Northeast of the intersection of Deadwood Avenue and Interstate 90
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District - Light Industrial District - General Commercial District (Planned Commercial Development)
East:	General Agriculture District (Pennington County)
West:	Light Industrial District - General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Private water and septic system

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DATE OF APPLICATION                      8/3/2006

REVIEWED BY                                Karen Bulman / Todd Peckosh

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Agriculture District be approved.

GENERAL COMMENTS: This undeveloped property contains approximately 824.11 acres and is located northeast of the intersection of Deadwood Avenue and U.S. Interstate 90. The subject property has been annexed and is zoned No Use District. The property located north and east of the subject property is zoned General Agriculture District by Pennington County. The property located south of the subject property is zoned General Agriculture District, Light Industrial District, and General Commercial District with a Planned Commercial Development. The property located west of the subject property is zoned Light Industrial District and General Commercial District with a Planned Commercial Development.

STAFF REVIEW: The subject property is identified on the draft Deadwood Avenue Neighborhood Future Land Use Plan as appropriate for Business Park with a Planned Commercial Development, General Commercial with a Planned Commercial Development, Light Industrial with a Planned Light Industrial Development, Mining and Extraction, and a Planned Residential Development with one dwelling unit per three acres land use. The property owner wishes to rezone this property to General Agriculture District as a holding zone until such time as further development of the area may be requested.

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 has been annexed into the City limits and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is located northeast of the intersection of Deadwood Avenue and U.S. Interstate 90.

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

The General Agriculture Zoning District is intended to provide for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to commercial and industrial land uses and therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. Until this property is ready for development, General Agriculture District is appropriate as a

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holding zone.

- 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 subject property is located in an area that is developing as commercial and industrial areas. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from No Use District to General Agriculture District as a holding zone.

- 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 this area as appropriate for Business Park with a Planned Commercial Development, General Commercial with a Planned Commercial Development, Light Industrial with a Planned Light Industrial Development, Mining and Extraction, and a Planned Residential Development with one dwelling unit per three acres land uses. This property is not ready for development and will continue to be used for agricultural purposes. Rezoning the subject property from No Use District to General Agriculture District as a holding zone until development occurs in the future appears to be appropriate.

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 November 9, 2006 Planning Commission meeting if this requirement has not been met. Staff has received two inquiries but no objections regarding the proposed request at the time of this writing.