

STAFF REPORT
May 10, 2007

No. 07RZ029 - Rezoning from No Use District to General Agriculture District **ITEM 25**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 07RZ029 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	A tract of land located in the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota more particularly described as follows: Beginning at the C-W1/16 corner of said Section 3; thence along the east/west 1/4 line of said Section 3 S89°57'22"W a distance of 662.08 feet; thence S89°56'40"W a distance of 208.22 feet; thence S00°12'49"E a distance of 662.59 feet; thence N89°58'04"E a distance of 413.48 feet; thence S00°00'00"E a distance of 31.60 feet; thence N89°52'05"E a distance of 689.38 feet; thence S00°01'33"E a distance of 631.94 feet; thence N89°46'49"E a distance of 159.74 feet; thence S89°56'58"E a distance of 240.23 feet; thence S89°55'17"E a distance of 62.97 feet; thence N89°59'12"E a distance of 252.11 feet; thence N00°14'43"W a distance of 186.68 feet; thence N00°16'15"W a distance of 115.1 feet; thence S89°45'52"W a distance of 92.79 feet; thence N05°55'11"W a distance of 47.62 feet; thence N22°54'31"W a distance of 54.50 feet; thence N40°36'51"W a distance of 920.50 feet; thence N19D10'56"W a distance of 55.10 feet; thence N71°12'38"E a distance of 14.49 feet; thence N00°03'34"W a distance of 170.35 feet; thence S89°57'22"W a distance of 226.32 feet To the point of beginning: said tract containing 28.29 acres, more or less.
PARCEL ACREAGE	Approximately 28.29 acres
LOCATION	South of Homestead Street between Elk Vale Road and Degeest Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development) - Office Commercial District (Planned

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South:	Commercial Development) - Medium Density Residential District (Planned Residential Development) Suburban Residential District (Pennington County) - Low Density Residential District
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	4/13/2007
REVIEWED BY	Karen Bulman / Mary Bosworth

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

GENERAL COMMENTS: This undeveloped property contains approximately 28.29 acres and is located south of Homestead Street between Elk Vale Road and Degeest Drive. The subject property has been annexed effective March 15, 2007 (File #06AN007). The subject property is currently zoned No Use District. A Preliminary Plat (#06PL192) to subdivide the subject property was approved February 5, 2007 by the City Council. The property located north of the subject property is zoned General Commercial District with a Planned Commercial Development, Office Commercial District with a Planned Commercial Development and Medium Density Residential District with a Planned Residential Development. The property located south of the subject property is zoned Suburban Residential District by Pennington County and Low Density Residential District. The property located east of the subject property is zoned Suburban Residential District by Pennington County. The property located west of the subject property is zoned Limited Agriculture District by Pennington County. The subject property is currently undeveloped.

The subject property is identified on the Elk Vale Neighborhood Area Future Land Use Plan as appropriate for General Commercial with a Planned Commercial Development, Office Commercial with a Planned Commercial Development and Low Density Residential land uses. The property owner wishes to rezone this property as General Agriculture District as a holding zone until such time as further development of the area may be requested.

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 has been annexed into the City limits (#06AN007) 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 south of

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Homestead Street between Elk Vale Road and Degeest Drive.

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 residential and commercial 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 to be developed, General Agriculture District is appropriate as a 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 a residential area and is located adjacent to Low and Medium Density Residential Districts as well as Office and General Commercial Districts. Avenue A intersects the property in an east - west direction. Water and sewer will be extended as development occurs. 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 Elk Vale Neighborhood Area Future Land Use Plan identifies this area as appropriate for General Commercial with a Planned Commercial Development, Office Commercial with a Planned Commercial Development and Low Density Residential land uses. Although a Preliminary Plat (#06PL192) has been approved, the subject property is currently not being developed. 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 and the receipts from the first class mailing have been sent as authorized by the Planning Commission at the April 26, 2007 Planning Commission meeting. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.