

STAFF REPORT
June 21, 2007

No. 07RZ049 - Rezoning from No Use District to General Agriculture District **ITEM 32**

GENERAL INFORMATION:

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| PETITIONER | City of Rapid City |
| REQUEST | No. 07RZ049 - Rezoning from No Use District to General Agriculture District |
| EXISTING LEGAL DESCRIPTION | All of the N1/2 NE1/4 and the N1/2 NW1/4, less Lot 1 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 145 Acres |
| LOCATION | East of S.D. Highway 79 and south of Elk Vale Road |
| EXISTING ZONING | No Use District |
| SURROUNDING ZONING | |
| North: | Heavy Industrial District - General Agriculture District |
| South: | General Agriculture District - General Commercial District - Heavy Industrial District (Pennington County) |
| East: | Limited Agriculture District (Pennington County) |
| West: | Public District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 5/29/2007 |
| REVIEWED BY | Travis Tegethoff / Todd Peckosh |

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

GENERAL COMMENTS: The subject property is located east of S.D. Highway 79 and south of Elk Vale Road. The area includes approximately 145 acres, and is currently void of structural development. The subject property was annexed into the City limits effective July 7, 2004 (#04AN011). Upon annexation into the City limits, the property was zoned No Use District.

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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 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 east of S.D. Highway 79 and south of Elk Vale Road.

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 for development, 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 an industrial area. S.D. Highway 79, a principal arterial street on the City's Major Street Plan, is located west of the subject property and Elk Vale Road, a principal arterial street on the City's Major Street Plan, is located north of the subject property. Water and sewer is located in Elk Vale Road and S.D Highway 79. 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 Adopted Comprehensive Plan identifies this area as appropriate for a General Agriculture District. The subject property is currently undeveloped. 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

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June 21, 2007 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.