

STAFF REPORT  
August 9, 2007

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**No. 07RZ057 - Rezoning from No Use District to General Agriculture District      ITEM 22**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for OS Development
REQUEST	<b>No. 07RZ057 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	A tract of land located in the S1/2 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the Center North 1/16 corner of Section 22, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°53'50"E 2618.39 feet along the North line of the S1/2 NE1/4 of Section 22 to a point monumented with a rebar and plastic cap stamped LS 6014; from which the North 1/16th corner common to Section 22 and 23 bears S87°53'50"E 32.95 feet; Thence S02°04'38"W 946.40 feet to a point; Thence S88°48'27"W 2621.92 feet to a point on the West line of in the S1/2 NE1/4 of Section 22; Thence N02°02'19"E 1097.11 feet along said west line to the Point of Beginning
PARCEL ACREAGE	Approximately 61.41 acres
LOCATION	West of the intersection of Reservoir Road and Southside Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	No Use District
PUBLIC UTILITIES	None
DATE OF APPLICATION	7/13/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

RECOMMENDATION:

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

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GENERAL COMMENTS:

The applicant has submitted a request to rezone 61.41 acres from No Use District to General Agriculture District. The property was annexed (#07AN002) into the City on April 16, 2007. A Layout Plat (#07PL047), which includes the property, was approved by Council on April 16, 2007. The property is located approximately 3,000 feet south of the intersection of South Dakota Highway 44 and Reservoir Road on the west side of Reservoir Road. Currently the property is zoned No Use District and is void of any structural development. The adopted Comprehensive Plan identifies the property as being appropriate for agricultural uses.

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 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.

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 property is located in an area that is agricultural. South Dakota Highway 44, a principal arterial street on the City's Major Street Plan, is located approximately 3000 feet north of the property. Reservoir Road, a principal arterial street on the City's Major Street Plan, is located along the east property line of the property. Staff is not aware of any significant adverse effects that would result from rezoning the 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*

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*Community Facilities Plan.*

The Adopted Comprehensive Plan identifies this area as appropriate for a General Agriculture District. The property is currently undeveloped. Rezoning the 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 August 9, 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.

Staff recommends that the request to rezone the property from No Use District to General Agricultural District be approved.