

STAFF REPORT  
December 4, 2008

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**No. 08RZ027 - Rezoning from Low Density Residential District to General Agriculture District**      **ITEM 38**

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GENERAL INFORMATION:

APPLICANT/AGENT	Kent R. Hagg for Hagg Development Corporation
PROPERTY OWNER	Kent and Karin Hagg
REQUEST	<b>No. 08RZ027 - Rezoning from Low Density Residential District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	Of Open Space and Open Space with Major Drainage and Utility Easement, Block 3, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.96 acres
LOCATION	East of Catron Boulevard and north, east and south of Wellington Drive
EXISTING ZONING	Low Density Residential District (Planned Unit Development)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District (Planned Unit Development)
East:	General Agriculture District
West:	Low Density Residential District (Planned Unit Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/11/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

**RECOMMENDATION: The Future Land Use Committee recommends that the Rezoning from Low Density Residential District to General Agriculture District be denied without prejudice.**

**GENERAL COMMENTS: (Update: November 24, 2008. All revised and/or added text is shown in bold). The public hearing on this item was to be held at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet and new legal notifications had to be published. The Future Land Use Committee considered this item at their October 16,**

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**2008 meeting.** The applicant indicated that the reason for the rezoning request was to construct a facility for horses on the property. The Future Land Use Committee recommends that this item be denied without prejudice because of the potential negative impact of the noise and odor from the general agriculture uses on the surrounding residential development.

(Update: October 14, 2008. All revised and/or added text is shown in bold). This item was continued to the October 23, 2008 Planning Commission meeting at the applicant's request. To date, the legal notification requirements have not been met for this application. As such, staff recommends that this item be continued to the November 6, 2008 Planning Commission meeting.

(Update: August 26, 2008. All revised and/or added text is shown in bold). This item was continued to the September 4, 2008 Planning Commission meeting at the applicant's request. On August 19, 2008 staff met with the applicant to discuss their options of submitting an Ordinance Amendment to allow a General Agriculture District with a Planned Residential Development or submit an application to remove this property from the existing Planned Residential Development. Staff recommends that this item be continued to the October 9, 2008 Planning Commission meeting to allow the applicant to review their options and submit the required applications.

This undeveloped property contains approximately 14.96 acres and is located west of Catron Boulevard and north, west and south of Wellington Drive. The property was annexed in June 1998 and is currently zoned Low Density Residential District with a Planned Unit Development. It was previously the open space for the South Hill Development. The land located south and west of the property is zoned Low Density Residential District with a Planned Unit Development. The land located north and east of the property is zoned General Agriculture District. The property is currently undeveloped.

The U.S. Highway 16 Neighborhood Future Land Use Plan indicates that this property is appropriate for a Planned Unit Development.

**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.***

**Staff is unaware of any changing conditions requiring rezoning of the property.**

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

**This 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**

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uses and therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. 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. Due to the existing zoning of the adjacent properties and the fact that this area is a gateway to the community, the proposed rezoning appears to be inconsistent with the intent and the purposes of this ordinance.

- 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 adjacent to General Agriculture Districts and Low Density Residential Districts. Water, sewer, and access is available to the property from Wellington Drive. However, the potential noise, odor, and dust produced from the wide range of uses allowed in the General Agriculture Zoning District and the close proximity of the residential development and the entry way to the community creates the potential for an adverse impact on the surrounding uses that will result from the requested 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.*

The U.S. Highway 16 Neighborhood Future Land Use Plan indicates that this property is appropriate for a Planned Unit Development. On November 3, 2008 City Council approved Ordinance Amendments (#5432 and #5433) adding Planned Developments as a Conditional Use in the General Agriculture Zoning District by Amending Sections 17.34.030, 17.50.080 and 17.50.100 of the Rapid City Municipal Code. The requested rezoning will be consistent with the adopted development plans of Rapid City including the Adopted Comprehensive Plan because the area is currently in a Planned Residential Development and will remain in a Planned Residential Development if it is rezoned to General Agriculture District. In addition, the General Agriculture District density requirements are more restrictive than the Low Density Residential District density requirements.

**Notification Requirement:** To date, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify Planning Commission at the December 4, 2008 Planning Commission meeting if the legal notification requirements have not been met.

The Future Land Use Committee recommends that this item be denied without prejudice because of the potential negative impact of the noise and odor from the general agriculture uses on the surrounding residential development.