

STAFF REPORT  
January 22, 2009

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**No. 08RZ048 - Rezoning from No Use District to General Agriculture District      ITEM 29**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Sylvia Conrad/Century Resources Inc., Johnson Bar 5 Ranch
REQUEST	<b>No. 08RZ048 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	The E1/2 SE1/4, Section 32, and the SW1/4, Section 33, all located in T2N, R8E, BHM; and Government Lot 4 and the SW1/4 NW1/4 and the NW1/4 SW1/4 less Lot A, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 358.64 acres
LOCATION	At the northern terminus of Valley Drive and east of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	No Use District, General Commercial District, Light Industrial District, Low Density Residential, Medium Density Residential District (Planned Residential Development)
East:	Low Density Residential District, Low Density Residential District (Planned Residential Development), Medium Density Residential District (Planned Residential Development)
West:	No Use District, Low Density Residential District, General Agriculture District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/14/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

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

STAFF REPORT  
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---

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GENERAL COMMENTS: This property contains 358.64 acres and is located at the northern terminus of Valley Drive, east of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north of the property is zoned General Agriculture District. Land located south of the property is zoned No Use District, General Commercial District, Low Density Residential District, Medium Density Residential District with a Planned Residential Development and Light Industrial District. Land located west of the property is zoned No Use District, Low Density Residential District and General Agriculture District. Land located east of the property is zoned Medium Density Residential District with a Planned Residential Development, Low Density Residential District, and Low Density Residential District with a Planned Residential Development.

The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Medium Density Residential land uses with a Planned Residential Development, Planned Residential Development land uses with 1.5 dwelling units per acre, Mobile Home Park land uses with a Planned Residential Development, Business Park land uses, and Public land uses with an alternate use of Planned Residential Development with 1.5 dwelling unit per acre. Currently, one residential structure and outbuildings are located on the property. The balance of the property is used for agricultural purposes.

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 district affected, or the City in general.*

A City initiated annexation of the property (#08AN007) was effective July 29, 2008. All annexed lands are temporarily designated as 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 purpose of the General Agriculture Zoning District as stated in the Zoning Ordinance 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.

This property is not ready for development and is currently used for agricultural purposes. A residential structure and outbuildings are located on the southernmost portion of the property. Rezoning this property from No Use District to General Agriculture District is

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appropriate as a holding zone until future development is warranted.

- 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 amendment.*

Agricultural land is located north and west of the property. Valley Drive, a collector street on the City's Major Street Plan, is located west and south of the property. Homestead Street and E. Anamosa Street are proposed to intersect the property in an east-west direction in the future. Future development of the property will require that adequate water and sewer be extended to the development. Staff is not aware of any significant adverse effects that will result from rezoning the property from No Use District to General Agriculture District.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The Major Street Plan identifies Valley Drive as a collector street, E. Anamosa Street as a proposed principal arterial street and Homestead Street as a proposed collector street. The Elk Vale Neighborhood Area Future Land Use Plan identifies the property as appropriate primarily for residential land uses. This property is currently being used for agricultural purposes. Rezoning the property to General Agriculture District for agriculture uses and as a holding zone is consistent with the Comprehensive Plan.

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 January 22, 2009 Planning Commission meeting if this requirement has not been met. Staff has received one inquiry but no objections regarding the proposed request at the time of this writing.

The landowners have been contacted and concur with the General Agriculture Zoning District designation of their property. Staff recommends that the rezoning from No Use District to General Agriculture District be approved.