

STAFF REPORT
March 5, 2009

No. 09RZ010 - Rezoning from No Use District to General Agriculture District ITEM 19

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Timothy Shull
REQUEST	No. 09RZ010 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	The NE1/4 of Government Lot 1 located in the NE1/4 NE1/4 NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.44 acres
LOCATION	405 Valley Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Public District
East:	General Agriculture District
West:	Low Density Residential District
PUBLIC UTILITIES	Water Cistern, Septic System
DATE OF APPLICATION	2/6/2009
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 property contains 10.44 acres and is located at 405 Valley Drive, at the northern terminus of Valley Drive. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north and east of the property is zoned General Agriculture District. Land located south of the property is zoned Public District. Land located west of the property is zoned Low Density Residential District.

The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Medium Density Residential land use with a Planned Residential Development as the property is located at the future intersection of Valley Drive, a proposed collector street on the City's Major Street Plan, and E. Anamosa Street, a proposed principal

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arterial street. Currently, one residential structure and one outbuilding 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 residential development and is currently used for a single family residence and for agricultural purposes. A residential structure and an outbuilding are located on the southeast portion of the property. The property owner has some agricultural equipment and horses located on the property. Rezoning this property from No Use District to General Agriculture District is 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 east of the property. The property is located at the terminus of Valley Drive, a collector street on the City's Major Street Plan. E. Anamosa Street is proposed to be located along the northern boundary of the property in the future. Currently, a water cistern and a septic system are located on the property. 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.*

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The City's Major Street Plan identifies Valley Drive as a proposed collector street and E. Anamosa Street as a proposed principal arterial street. The Elk Vale Neighborhood Area Future Land Use Plan identifies the property as appropriate primarily for Medium Density Residential land uses with a Planned Residential Development. Until this property is ready for development, rezoning the property to General Agriculture District 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 March 5, 2009 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 rezoning from No Use District to General Agriculture District be approved.