

STAFF REPORT  
January 7, 2010

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**No. 09RZ056 - Rezoning from No Use District to General Agriculture District      ITEM 30**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Houston Haugo
REQUEST	<b>No. 09RZ056 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	Lot D and Lot E of the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.49
LOCATION	East of South Valley Drive and south of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Public District
South:	General Agriculture District
East:	General Commercial District - Public District
West:	Light Industrial District - General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS: This property contains approximately 10.49 acres and is located at the intersection of South Valley Drive and East Saint Patrick Street and is south of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and was subsequently zoned No Use District. Land located to the north of the property is zoned Public District. Land located to the south of the property is zoned General Agriculture District. Land located to the east of the property is zoned General Commercial District and Public District. Land located to the west of the property is zoned General Commercial District and Light Industrial District.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies this property

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as appropriate for General Commercial land use with a Planned Commercial Development. Two accessory non-residential structures, a radio tower and a commercial billboard currently are located on the property.

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. Per Section 17.26.020, all annexed lands are temporarily designated as a No Use District. The annexation of the property represents a changing condition that requires the rezoning of the property.

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

The purpose of the General Agriculture 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.

The property is not ready for development and is currently undeveloped. There are two, accessory non-residential structures, a radio tower and commercial billboard on the property. Wetlands also occupy portions of the property. Rezoning this property from No Use District to General Agricultural District is appropriate as a holding zone until future development is warranted. Due to the land uses of the adjacent properties, the rezoning of this property appears to be consistent with the intent and purposes of this ordinance.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall and direct or indirect adverse effects result from such amendment.*

Agricultural land is located south of the property. The property is located at the intersection of East Saint Patrick Street and South Valley Drive, a principle arterial and a collector street, respectively, on the City's Major Street Plan. The property is located within the 100 year Federally Designated Floodplain. As a result, any future development on the property will require a Floodplain Development Permit. A radio tower currently sits on the property. Per Section 17.34.030 of the Rapid City Municipal Code, "Radio and television station and transmission tower" is a conditional use in a General Agriculture District. As such, any expansion of the existing tower will require a

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Conditional Use Permit. 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 City's Major Street Plan identifies East Saint Patrick Street as a principle arterial street and South Valley Drive as a collector street. The property is located within the 100 year Federally Designated Floodplain thereby requiring that prior to any future development, a Floodplain Development Permit be obtained. The Southeast Connector Neighborhood Future Land Use Plan indentifies the property as suitable for General Commercial Land Use with a Planned Commercial Development. Rezoning from No Use District to General Agriculture District as a holding zone until this property is ready for development, is consistent with the adopted Comprehensive Plan.

At the time of this writing, the required sign has been posted on the property. The white receipts from the certified mailings are in the Growth Management office, but the green card receipts have not been returned. Staff will notify the Planning Commission at the January 7, 2010 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.