

STAFF REPORT  
June 10, 2010

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**No. 10RZ036 - Rezoning from No Use District to Public District**

**ITEM 11**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 10RZ036 - Rezoning from No Use District to Public District</b>
EXISTING LEGAL DESCRIPTION	Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.44 acres
LOCATION	North of Cleghorn Canyon Road and west of Jackson Boulevard
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Limited Agriculture District - Suburban Residential District (Pennington County)
South:	Limited Agriculture District - Suburban Residential District (Pennington County) - Flood Hazard District
East:	Park Forest District - Flood Hazard District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Canyon Sanitary District
DATE OF APPLICATION	5/14/2010
REVIEWED BY	Patsy Horton / Ted Johnson

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**RECOMMENDATION:** Staff recommends that the Rezoning from No Use District to Public District be approved subject to approval of the related Amendment to the Adopted Comprehensive Plan.

**GENERAL COMMENTS:** This property contains approximately 3.44 acres and is located north of Cleghorn Canyon Road and west of Jackson Boulevard. The property was annexed into the City limits (#10AN001) and will be effective June 11, 2010. The property was subsequently zoned No Use District. Land located north and east of the property is zoned No Use District. Land located west and south of the property is zoned Limited Agriculture District by Pennington County. The property was zoned Suburban Residential District by Pennington County prior to annexation.

In addition to this Rezoning application, the applicant has submitted an application for an Amendment to the 1974 Comprehensive Plan to change the land use designation on the property from Park Forest to Public (#10CA017).

The City plans to build the Jackson Springs Water Treatment Plant at this location. The former Cleghorn Canyon School is proposed to be demolished. Two school structures, two residences and two garages are proposed to be offered at auction later this spring.

**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.*

A City initiated annexation of the property (#10AN001) will be effective June 11, 2010. 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 Public District is intended to provide for facilities which serve the general public operated by any political subdivision which qualifies for exemption from property taxes. Facilities within the Public District are generally not involved in commerce and frequently are sited with public safety and government efficiency in mind. Utilities are provided for in the Public District to aid in the development of efficient systems.

In July 2007, the Water Advocacy Task Force recommended to the City Council that the City immediately initiate the design and construction of a water treatment facility sufficient to provide water for the citizens of the community until the year 2025. Those facilities would include a treatment plant to be located in the Cleghorn Springs area that is of sufficient capacity to provide the volume of water generated by Jackson Springs or

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an equivalent amount from Rapid Creek. Additionally, the Task Force recommended that a new treatment plant should be constructed to compliment the capacity provided by the Jackson Springs facility.

Based on the Water Advocacy Task Force, the City acquired the property in January 2009 in anticipation of moving forward with the Source Water Use Management Plan. The Jackson Springs Water Treatment Plant is intended to provide treated water now and into the future, by utilizing the existing Jackson Springs Infiltration Gallery located approximately 750 feet from the proposed Treatment Plant.

The rezoning of this property based on the intent and purpose of the Public District 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 any direct or indirect adverse effects result from such amendment.*

Access to the Jackson Springs Water Treatment Plant is from Cleghorn Canyon Road connecting to South Dakota Highway 44. Water and sewer are provided by Rapid Canyon Sanitary District. The property is located adjacent to residential land uses. No significant adverse impacts resulting from the requested rezoning have been identified.

- 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 applicant has submitted an application for a Comprehensive Plan Amendment to the 1974 Comprehensive Plan to change the land use designation from Park Forest to Public. Rezoning the subject property from No Use District to Public District would be consistent with the adopted Comprehensive Plan if the associated Comprehensive Plan Amendment is also approved.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. 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 Public District be approved.