

STAFF REPORT  
September 20, 2012

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**No. 12RZ017 - Rezoning from Medium Density Residential District to General Agriculture District**      **ITEM 4**

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GENERAL INFORMATION:

APPLICANT	James V. Bailey - Bailey Associates, Inc.
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Bailey Associates, Inc.
REQUEST	<b>No. 12RZ017 - Rezoning from Medium Density Residential District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) of Section Twenty-Six (26), Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of said Section Twenty-Six (26), Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota; Thence, northeasterly on the east line of the Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) of said Section Twenty-Six (26), a distance of 600.00 feet, to the point of beginning, Thence first course, left 90 degrees a distance of 200.00 feet; Thence second course, right 90 degrees a distance of 500.00 feet; Thence third course, right 90 degrees a distance of 200.00 feet to a point on the east line of said Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) of said Section Twenty-Six (26); Thence fourth and final course, southwesterly on the east line of said Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) a distance of 500.00 feet to the point of beginning</p>
PARCEL ACREAGE	Approximately 2.295 acres
LOCATION	East of the current terminus of Commerce Road
EXISTING ZONING	Medium Density Residential District (Planned Development)

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FUTURE LAND USE DESIGNATION      Residential

SURROUNDING ZONING  
North:      Medium Density Residential District (Planned Development)  
South:      General Agriculture District (Planned Development)  
East:      General Agriculture District (Planned Development)  
West:      Medium Density Residential District (Planned Development)

PUBLIC UTILITIES      No utilities

DATE OF APPLICATION      August 24, 2012

REVIEWED BY      Fletcher Lacock / Brandon Quiett

**RECOMMENDATION:**

Staff recommends that the Rezoning from Medium Density Residential District to General Agriculture District be approved.

**GENERAL COMMENTS:**

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Medium Density Residential District to General Agriculture District.

On March 7, 2005, the City Council approved a Rezoning request from Public District to Medium Density Residential District (File #05RZ006) that included the above legally described property.

On November 22, 2006, the Planning Commission approved an Initial and Final Planned Residential Development (File #06PD061) with stipulations including the above legally described property. The Planning Commission's decision was appealed to the City Council. On December 18, 2006, the City Council approved the Initial and Final Planned Residential Development with stipulations. Please note that the approved Planned Development identified this area as open space with no proposed development at this time.

On July 2, 2012, the City Council approved a Rezoning request from Low Density Residential District to General Agriculture District (File # 12RZ009) for the land that abuts to the east of the above legally described property.

The property is located east of the terminus of Commerce Drive on the northwest side of the city. Currently, the property is undeveloped.

**STAFF REVIEW:**

Staff has reviewed the proposed rezoning request for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of

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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 generally.*

There are no substantially changed or changing conditions in the area.

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

The purpose of the General Agricultural Zoning District as stated in the Zoning Ordinance is 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. The Zoning Ordinance is the tool that enforces the Comprehensive Plan. The above legally described property is located east of the terminus of Commerce Drive. The City's Major Street Plan identifies a minor arterial street located north of the property. Land located south and east of the property is zoned General Agricultural District. Land located north and west of the property is zoned Medium Density Residential District with a Planned Development. The City's adopted Future Land Use Plan identifies the appropriate use of the property as residential. The General Agricultural District is a residential zoning district and will serve as a holding zone until the applicant comes forward with a residential development plan. A Final Planned Development Overlay will be required before the property is developed. The rezoning of this property appears to be appropriate and 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 an amendment.*

The City's adopted Future Land Use Plan identifies the appropriate use of the property as residential. On July 2, 2012, the City Council approved a Rezoning request from Low Density Residential District to General Agriculture District for the land that abuts to the east of the above legally described property. The General Agricultural District is a residential zoning district and will serve as a holding zone until the applicant comes forward with a residential development plan. A Final Planned Development Overlay will be required prior to development of the property. It does not appear that the proposed rezoning request will have an adverse affect.

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 property is currently undeveloped. There are no utilities in place on the property. The City's Major Street Plan shows a proposed minor arterial street to be located to the north of this property. The City's adopted Comprehensive Plan identifies the future land use as Residential. The General Agricultural Zoning District serves as a holding zone for future residential development. The proposed rezoning is consistent with the Development Plan of Rapid City.

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The rezoning request meets three of the four criteria for review of zoning map amendments as per Section 17.54.040(D)(1). As such, staff recommends that the rezoning from Medium Density Residential District to General Agricultural District be approved.

Notification Requirement: As of this writing, the white slips and green cards have not been returned. The required sign has not been posted on the property. Staff will notify the Planning Commission at the September 20, 2012 Planning Commission meeting if these requirements have not been met.