

STAFF REPORT  
February 7, 2013

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**No. 13RZ001 - Rezoning from General Agricultural District to Public District**      **ITEM 5**

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GENERAL INFORMATION:

APPLICANT	Karl Merbach - City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 13RZ001 - Rezoning from General Agricultural District to Public District</b>
EXISTING LEGAL DESCRIPTION	N1/2 of the NE1/4, less Lots H1, H2 and H3 and the NE1/4 of the NW1/4, all located in Section 30, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 106 acres
LOCATION	West of South Dakota Highway 79 and south of Catron Boulevard
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Public
SURROUNDING ZONING	
North:	Heavy Industrial District - General Agricultural District
South:	General Agricultural District (Pennington County)
East:	General Agricultural District (Pennington County) - Light Industrial District (Pennington County)
West:	General Agricultural District (Pennington County)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	January 10, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Rezoning from General Agricultural District to Public District be approved.

GENERAL COMMENTS: The applicant has submitted a request to Rezone approximately 106 acres of property from General Agriculture District to Public District. In particular, the City of Rapid City has requested a Rezone for property located adjacent to the existing Rapid City Landfill. The applicant has indicated that the requested rezone is to allow for future expansion of the City Landfill.

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The property is located west of U.S. Highway 79, approximately 2,000 feet south of the intersection of U.S. Highway 79 and Old Folsom Road. The property is currently undeveloped.

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.*

The property is zoned General Agriculture District. Property to the east is zoned General Agriculture District and Light Industrial District in Pennington County. Property to the south is zoned General Agriculture District in Pennington County. The future land use designation for the property is public and, as such, no changes to the Future Land Use Plan are required. Property to the north is currently developed as the Rapid City Landfill and is zoned Heavy Industrial District. Representatives for the City landfill have indicated that the requested rezone is to allow future expansion of the landfill. The recently adopted Future Land Use Plan shows that the property is appropriate for Public uses and was intended to be used for further expansion of the public landfill. The U.S. Highway 79/Cambell Street corridor is developed with a mix of industrial and commercial uses. 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 General Agriculture District generally serves as a holding zone for property located on the fringes of the City that have not yet undergone urban development, but that are expected to undergo development sometime in the near future. The Public District is established to provide facilities which serve the general public that are operated by the United States of America, the state of South Dakota or any political subdivision which qualifies for exemption from property taxes, or nonprofit organizations. Facilities within the public district are generally not involved in commerce and frequently are sited with public safety and government efficiency in mind. The requested Rezone will allow for the expansion of the Rapid City Landfill. Solid waste disposal sites are a conditional use in the Public District. A Conditional Use Permit (File #UR1210) was approved on September 20, 1993 for adjacent property located to the north of the requested Rezone. The applicant should be aware that the existing Conditional Use Permit will need to be amended to include this property prior to commencing any landfill related uses on the property; however, the required amendment does not affect this requested Rezone. Currently, The City landfill is a municipal use appropriate for the Public District zoning classification. The proposed zoning is 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*

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*any direct or indirect adverse effects result from such amendment.*

Staff has noted that one letter of opposition was filed during the initial review of the Conditional Use Permit issued in 1993 by representatives of Ms. Esther Hoff, then owner of all of Section 20, Township 1 North, Range 8 East. In addition, two letters of complaint were received in May of 2002 from Mr. Orville Davis, the owner of property located to the west of the existing landfill site. The first letter expressed a negative impact on his property due to a lack of landscaping or fencing to serve as mitigation for dust and blowing trash. In addition, a second letter expressed a negative impact on an existing spring on Mr. Davis's property. It should be noted that the original Conditional Use Permit required that landscaping be provided as shown on the site plan, and that an Air Quality Permit be obtained. On January 14, 2002, a Minimal Amendment to the Conditional Use Permit was approved by staff to alter the design and location of structures and parking on the site to provide smaller buildings, more parking, and more landscaping. The approved Minimal Amendment included a revised landscaping plan showing that a minimum of 471,750 landscaping points were being proposed for the site. The requested Rezone will change the zoning from General Agriculture District to Public District. The applicant should note that if a future expansion of the existing City landfill is proposed for the property, a Major Amendment to the existing Conditional Use Permit will be required. The Major Amendment to the Conditional Use Permit will serve as the tool to mitigate any adverse affects of any proposed expansion on neighboring property owners.

4. *The proposed amendment 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 adopted Future Land Use Plan shows that the property has been designated for public use and is anticipated to be used for expansion of the City's solid waste disposal services. The anticipated use does not require utility services and U.S. Highway 79 is a principal arterial street on the City's adopted Major Street Plan, capable of handling the existing and anticipated heavy truck traffic associated with the use. The Rapid City Landfill is required to provide a location for the solid waste disposal services the City of Rapid City provides for its residents and is an important part of the community facilities plan. The proposed amendment is not in conflict with the development plan of Rapid City. For these reasons, staff recommends the request to Rezone property from General Agriculture District to Public District be approved.

Notification Requirements: As of this writing, the required sign has not been posted on the property. The green cards and white receipts providing proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the February 7, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into this request.