

STAFF REPORT

September 25, 2003

No. 03RZ033 - Rezoning from No Use District to General Agriculture District **ITEM 33**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 03RZ033 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	<p>The balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, the 100 foot South Dakota Railroad Authority right-of-way lying adjacent and north of Lot H2 in the NW1/4NE1/4 and Lot H5 in the NE1/4NW1/4 and Lot H2 in the N1/2SW1/4NE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 54 – dated January 5, 1998 in the N1/2NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 52 – dated January 5, 1998 in the S1/2NW1/4 of Section 16, T1N, R8E, BHM, excepting therefrom the following described land: the west 210 feet of the north 600 feet of the NE1/4SE1/4NW1/4 and the east 190 feet of the north 600 feet of the NW1/4SE1/4NW1/4 of said Section 16; the balance of the S1/2NE1/4SE1/4NW1/4 of said Section 16; and the SW1/4SW1/4SW1/4NW1/4 of said Section 16, Pennington County, South Dakota; and, Lot H1 in the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota</p>
PARCEL ACREAGE	Approximately 133.4682 acres
LOCATION	South of SD Highway 44, west of Jolly Lane Drive and east of SD Highway 79
EXISTING ZONING	No Use District

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SURROUNDING ZONING

North:	General Agriculture District (City)/Light Industrial w/PD (City)/General Commercial District (County)
South:	General Agriculture District (City)/General Commercial District (City)/Limited Agriculture District (County)
East:	General Agriculture District (City)/General Commercial District (City)/Limited Agriculture District (County)
West:	Suburban Residential District (County)/Limited Agriculture District (County)

PUBLIC UTILITIES N/A

DATE OF APPLICATION 08/29/2003

REPORT BY Karen Bulman

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

GENERAL COMMENTS: The subject territory contains approximately 133.4682 acres and is located south of S.D. Highway 44, west of Jolly Lane Road and east of S.D. Highway 79. The property was annexed into the City limits on July 7, 2003. The property is currently zoned No Use District. The No Use Zoning District is a temporary zoning designation utilized when property is annexed into the City of Rapid City, pursuant to the provisions of Section 17.26.020 of the Rapid City Municipal Code. The purpose of this application is to complete that process.

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.*

The subject property was annexed into the City on July 7, 2003. All annexed lands are temporarily placed in the No Use Zoning District. The recent 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.*

Property located to the north of the subject property is zoned General Agriculture District and Light Industrial District with a Planned Development Designation in the City and General Commercial District by Pennington County. The property located to the south of the subject property is zoned General Agriculture District and General

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Commercial District in the City and Limited Agriculture District by Pennington County. The property located to the east of the subject property is zoned General Agriculture District and General Commercial District in the City and Limited Agriculture District by Pennington County. The property located west of the subject property is zoned Suburban Residential District and Limited Agriculture District by Pennington County. The General Agriculture Zoning District is a holding zone utilized as an intermediate designation until development is ready to proceed. It would appear appropriate to rezone this property to General Agriculture District based on the surrounding land use and zoning as a holding zone until development is eminent.

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 proposed rezoning to a holding zone should not have a significant affect on any of the surrounding land uses or on public infrastructure. A portion of the subject property is the Southeast Connector Road and the balance of the property is owned by the City of Rapid City. The Rapid City East Greenway Master Plan identifies a portion of the subject property as appropriate for parks, recreation facilities or open public land. Rezoning the subject property as General Agriculture District is an appropriate holding zone until a decision is made on development.

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 Rapid City Comprehensive Plan for this area identifies the subject property and adjacent properties as appropriate for agricultural land use(s). Rezoning the subject property from No Use District to General Agriculture District appears to be appropriate.

As of this writing, the 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 September 25, 2003 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding this request.