

STAFF REPORT

March 25, 2004

---

**No. 04RZ010 - Rezoning from No Use District to Public District**

**ITEM 55**

---

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04RZ010 - Rezoning from No Use District to Public District</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less
PARCEL ACREAGE	Approximately 24.696 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Box Elder
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/27/2004

# STAFF REPORT

March 25, 2004

---

**No. 04RZ010 - Rezoning from No Use District to Public District**

**ITEM 55**

---

REPORT BY

Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Public District be denied without prejudice.

GENERAL COMMENTS: This undeveloped property contains approximately 24.696 acres and is located along the east boundary of North Elk Vale Road north of U.S. Interstate 90. The property is adjacent to the northwest boundary of Box Elder. Upon approval of the related annexation, this property will be zoned No Use District. The applicant met with the Future Land Use Committee to request a change in land use from general agriculture to a greenway area. This application was submitted in an effort to obtain the greenway designation. Flood Hazard Zoning Districts are established for those uses having a low flood damage potential, and will not obstruct flood flows. As such, staff recommends that this application be denied without prejudice and be re-advertised as Rezoning from No Use District to Flood Hazard District.

In addition to this Rezoning application, the applicant has submitted fifteen companion applications including: a Petition to Annex, Preliminary Plat, Subdivision Variance, four Rezoning applications, three Planned Development applications, and five Comprehensive Plan Amendments (See companion items: 04PL020, 04SV014, 04AN002, 04CA005, 04PD014, 04RZ009, 04CA006, 04PD015, 04RZ008, 04CA007, 04RZ011, 04CA008, 04RZ012, 04CA009, and 04PD016).

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 voluntary annexation of the subject property (04AN002) has been submitted in conjunction with this Rezoning application. All annexed lands are temporarily zoned No Use 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.*

Public Zoning District is intended to provide for facilities which serve the general public. The subject property is located adjacent to North Elk Vale Road, a principal arterial road on the City's Major Street Plan. The subject property is located in the 100 year federally designated floodplain. The applicant has indicated the subject property would be a greenway area with no development. Staff is unaware of any facilities, structural or otherwise, to be placed on the property that would serve the general public. As such, staff is recommending that the Rezoning request be denied without prejudice. A more appropriate

## STAFF REPORT

March 25, 2004

---

**No. 04RZ010 - Rezoning from No Use District to Public District**

**ITEM 55**

---

zoning designation may be Flood Hazard District due to the flood issues associated with the property.

- 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 applicant has indicated the subject property would be a greenway with no development. Due to the constraints imposed by the flood plain located on the site, it does not appear that facilities to serve the general public can be located on the site. As such, Staff is recommending that the Rezoning request be denied without prejudice.

- 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 Future Land Use Committee met on February 13, 2004 and recommended an Amendment to the Comprehensive Plan to change the land use on the subject property from General Agriculture land use to a greenway belt. The related Amendment to the Comprehensive Plan (04CA007) is recommended to be denied without prejudice to allow the re-advertising of the Amendment to the Comprehensive Plan to change the land use from General Agriculture to Flood Hazard.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.