

STAFF REPORT  
January 26, 2006

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**No. 05RZ065 - Rezoning from No Use District to General Agriculture District      ITEM 40**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 05RZ065 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	The following parcels of land: the SE1/4 NW1/4; the NW1/4 SE1/4; and the NE1/4 SE1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 120 acres
LOCATION	South of Interstate 90 and east of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District (Pennington County)
South:	No Use District
East:	General Agriculture District (Pennington County)
West:	No Use District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	12/6/2005
REVIEWED BY	Karen Bulman / Not Assigned

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

GENERAL COMMENTS: This undeveloped property contains approximately 120 acres and is located south of Interstate 90 and east of Elk Vale Road. The subject property was annexed into the City effective July 22, 2003 and placed in a No Use Zoning District. The property located north of the subject property is zoned General Commercial District and General Agriculture District by Penning County. The property located east of the subject property is zoned General Agriculture District by Pennington County. The property located south and west of the subject property is zoned No Use District.

STAFF REVIEW: The subject property is identified on the Elk Vale Neighborhood Future Land Use Plan as appropriate for a Planned Residential Development with a maximum density of 1.5 dwelling units per acre land use and Light Industrial land use.

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The Future Land Use Committee met with the property owners and toured the area on May 27, 2005. The Future Land Use Committee reviewed and recommended approval for a Planned Residential Development with a maximum density of 1.5 dwelling units per acre land use and Light Industrial land use for the subject property. The property owner does not have any plans for developing the subject property and plans agriculture uses on the land. The property owner wishes to rezone this property as General Agriculture District as a holding zone until such time as agriculture uses are not desired and further development of the area may be requested.

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 (03AN006) was effective in July 2003. All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is located along N. Elk Vale Road and in an area that is reflective of agriculture uses.

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

The General Agriculture Zoning District is intended 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. Most of these areas will be in close proximity to residential and commercial uses and therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. The property owner has indicated that he intends to continue to use his land for agriculture purposes. Until this property is ready for development, General Agriculture District is appropriate as a holding zone.

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 subject property is located in an area that is developing as commercial and residential areas and there is a mix of residential zoning districts proposed for the area. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from No Use District to General Agriculture District as a holding zone.

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.*

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The North Elk Vale Neighborhood Future Land Use Plan identifies this area as appropriate for a Planned Residential Development with a maximum of 1.5 dwelling units per acre and Light Industrial land use. This property is not ready for development and will continue to be used for agriculture purposes. Rezoning the subject property from No Use District to General Agriculture District as a holding zone until development occurs in the future appears to be appropriate.

As of this writing, the required 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 January 26, 2006 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.