

STAFF REPORT
November 9, 2006

No. 06RZ041 - Rezoning from No Use District to General Agriculture District **ITEM 50**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ041 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	A parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 160 acres
LOCATION	South of the intersection of Tartan Court and Catron Boulevard
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City Water & Sewer
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Rodney Proffitt / Todd Peckosh

RECOMMENDATION:

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

GENERAL COMMENTS: This property was annexed into the City of Rapid City (06AN001) on July 26, 2006. The proposed rezoning area contains approximately 160 acres. The property is located approximately 800 feet west of Tartan Court and Catron Boulevard, and approximately 200 feet south of Catron Boulevard. Currently, there is no structural development on the property. Land located north, south and east of the subject property is zoned General Agriculture. The property located south and east of the subject property is located in unincorporated Pennington County. The property located west of the subject property is zoned Low Density Residential District with a Planned Residential Development (98PD16 and 01PD046). The subject property is located in the U.S. Highway 16

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Neighborhood Area Future Land Use Plan. That plan indicates this property is appropriate for Planned Residential Development with a maximum of 4.8 dwelling units per acre. The City staff submitted this request to change the present zoning for the subject property from No Use District to General Agriculture District in accordance with the provisions of 17.54.040 of the Rapid City Municipal Code.

STAFF REVIEW:

Staff reviewed this proposed rezoning for conformance with the four (4) criteria established in Section 17.54.040(D)(1) for zoning map amendments. A summary of Staff findings follow:

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 earlier this year (06AN001). Upon annexation, the property is designated as "No Use" District until the appropriate rezoning can occur. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use to General Agriculture District.

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

Currently sewer and water utilities are not available to the property in question. The Zoning Ordinance identifies the General Agriculture District as an appropriate holding zone until such time as urban development is appropriate. The proposed zoning change is consistent with the intent and purposes of the City's Zoning 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 Staff has not identified any significant adverse effects that would result by rezoning the subject property from No Use District to General Agriculture District.

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 subject property is located in the U.S. Highway 16 Neighborhood Area Future Land Use Plan, which indicates this property is appropriate for Planned Residential Development with a maximum of 4.8 dwelling units per acre. The General Agriculture Zoning District is a holding zone that is appropriate until such time as water and sewer utilities are available to the site. At that time, the subject property may be rezoned to accommodate the development of the property at the densities described in the Future Land Use Plan. The requested rezoning does not conflict with the Rapid City Future Land Use Plan.

As of this writing, the required sign has been posted on the property, and the receipts from the certified mailing have been returned. Staff has received no objections

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regarding the proposed request at the time of this writing.