

STAFF REPORT
January 25, 2007

No. 06RZ071 - Rezone property from No Use District to General Agriculture District **ITEM 17**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06RZ071 - Rezone property from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	Lots H1, H2 and H3 located in the N1/2 of the NE1/4; and the unplatted balance of the N1/2 of the NE1/4; 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 119.39 acres
LOCATION	West of South Dakota Highway 79 and south of Catron Boulevard
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City of Rapid City
DATE OF APPLICATION	12/29/2006
REVIEWED BY	Rodney Proffitt / Emily Fisher / Marcia Elkins

RECOMMENDATION:

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

GENERAL COMMENTS:

The subject property is located outside of the corporate limits of the City of Rapid City. The property is located just west of South Dakota Highway 79 directly south of the Rapid City Landfill. The annexation of the property is currently being considered (06AN006). Upon annexation, the property in question will be zoned No Use District.

Currently, the property proposed for rezoning is zoned General Agriculture District by Pennington County. The property located north of the subject property is zoned Heavy Industrial District. The property located south, east and west of the subject property is zoned

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General Agriculture District by Pennington County.

The adopted Comprehensive Plan identifies the property in question as being appropriate for General Agriculture land uses.

This request has been submitted to change the zoning of 119.39 acres from No Use District to General Agriculture. The City of Rapid City acquired 106 acres of the property to provide a buffer to the existing landfill. As a condition of the purchase, the previous landowner is allowed to continue to use the property for agricultural purposes for a specified period of time. The property is currently being used for grazing. The remaining 13.39 acres is owned by the State of South Dakota and used as a storage facility by the Department of Transportation.

STAFF REVIEW:

Staff has reviewed this proposed rezoning request for conformance with the four (4) criteria for the review of zoning map amendments established in Section 17.54.040(D)(1) of the City's Zoning Ordinance. A summary of Staff findings follows:

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 will be annexed pursuant to a Petition for Annexation (06AN006) currently pending in conjunction with this application. Upon annexation, the subject property will be designated as "No Use" District. The annexation of this property constitutes the changing condition that necessitates a change of zoning from No Use District to General Agriculture District.

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

The intent of the General Agriculture District is 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. 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. As previously noted, the land has been acquired to provide a buffer to the adjacent landfill. As such, the zoning of the property in question as General Agriculture District appears to be consistent with the intent and purpose of the Zoning Ordinance.

3. *The proposed zoning will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.*

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.*

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The adopted Comprehensive Plan identifies the property in question as appropriate for General Agriculture land uses. The proposed rezoning of the property to General Agriculture is consistent with the adopted plans.

The sign identifying that a rezoning request is being considered has been posted on the property. Staff will notify the Planning Commission if the receipts from the mailing of notices to the surrounding properties are not received prior to the January 25, 2007 public hearing.

Based on compliance with the four criteria for the review of zoning map amendments established in the Rapid City Municipal Code, staff recommends approval of the rezoning from No Use District to General Agriculture District.