

STAFF REPORT
May 10, 2007

No. 07RZ030 - Rezoning from No Use District to General Agriculture District **ITEM 26**

GENERAL INFORMATION:

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| PETITIONER | City of Rapid City |
| REQUEST | No. 07RZ030 - Rezoning from No Use District to General Agriculture District |
| EXISTING LEGAL DESCRIPTION | The unplatted portion of the N1/2 of the N1/2 of the NW1/4 of the NE1/4 and the N1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 20 acres |
| LOCATION | Southwest of Elk Vale Road and west of the southern terminus of Jolly Lane |
| EXISTING ZONING | Limited Agriculture District (Pennington County) |
| SURROUNDING ZONING | |
| North: | Low Density Residential II District - Low Density Residential II District (Planned Residential Development) |
| South: | Limited Agriculture District (Pennington County) |
| East: | Low Density Residential District (Planned Residential Development) |
| West: | Limited Agriculture District (Pennington County) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 4/13/2007 |
| REVIEWED BY | Karen Bulman / Mary Bosworth |

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

GENERAL COMMENTS: This undeveloped property contains approximately 20 acres and is located southwest of Elk Vale Road and west of the southern terminus of Jolly Lane. The subject property was annexed effective March 15, 2007 (File #06AN005). The subject property is currently zoned No Use District. The property located north of the subject property is zoned Low Density Residential II District and Low Density Residential II District with a Planned Residential Development. The property located south and west of the subject property is zoned Limited Agriculture District by Pennington County. The property located east of the subject property is zoned Low Density Residential District with a Planned Residential Development. The subject property is currently undeveloped.

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STAFF REVIEW: The subject property is identified on the draft Southeast Connector Neighborhood Land Use Plan as appropriate for a Planned Residential Development with a maximum of 6.7 dwelling units per acre. The property owner wishes to rezone this property as General Agriculture District as a holding zone until such time as 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.*

The subject property has been annexed into the City limits (#06AN005) and 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 southwest of Elk Vale Road and west of the southern terminus of Jolly Lane.

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. Until this property is ready to be developed, 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 a residential area and is located adjacent to Low Density Residential Districts and Low Density Residential II Districts. Jolly Lane, a proposed collector street on the City's Major Street Plan, is proposed to intersect the subject property from the north in a southerly direction. Minnesota Street, a proposed minor arterial street on the City's Major Street Plan, is planned to be located adjacent to the subject property along the north boundary. Future development of the subject property will require that adequate water and sewer be extended to the development. 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*

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Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.

The draft Southeast Connector Neighborhood Land Use Plan indicates that this area may be appropriate for a Planned Residential Development with a maximum of 6.7 dwelling units per acre. This property is currently not being developed. 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 and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.