

STAFF REPORT
May 10, 2007

No. 07RZ038 - Rezoning from No Use District to General Agriculture District ITEM 33

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 07RZ038 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	The eastern 33 feet of the E1/2 SE1/4 SE1/4, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21 acres
LOCATION	Northwest of the intersection of Seger Drive and North Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Commercial District - Light Industrial District
East:	General Agriculture District - Mobile Home District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	4/13/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to General Agriculture District be continued to the May 24, 2007 Planning Commission to allow the application to be legally advertised.

GENERAL COMMENTS:

The City of Rapid City has submitted a request to rezone 21 acres from No Use District to General Agriculture. The subject property is located west of Elk Vale Road, north of Seger Drive. The subject property is currently void of any structural development, with the majority of the property being located within the boundaries of the 100-year flood plain. Current zoning of the subject property is No Use District. Land located north and west of the subject property is zoned General Agriculture District by Pennington County. Land located south of the subject property is zoned General Commercial District-Light Industrial District. Land located east of the subject property is zoned General Agriculture District-Mobile Home District. The subject property was annexed by the City of Rapid City on April 5, 2004 (#04AN002).

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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.*

The subject property was annexed into the City on April 5, 2004 (#04AN002). All annexed lands are temporarily placed in a No Use Zoning District. The property is located west of North Elk Vale Road and north of Seger Drive. The annexation of the property constitutes changing conditions within this area.

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

The General Agriculture District is intended to provide for land that is situated on the fringe of urban development that is used for agricultural purposes, but will be undergoing urbanization in the future. Currently there is no residential, commercial, or industrial use associated with the subject property. The subject property is void of any structural development. General Agriculture Zoning District will serve as a holding zone until urbanization is warranted and the appropriate change in district classification is made.

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.*

Development issues, including drainage, traffic, landscape buffers, and any other issues, will be addressed at the time development occurs. Staff has not identified any significant adverse affects that would result by 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.*

The Long Range Comprehensive Plan identifies this area as appropriate for industrial land uses. As noted above the intent of the proposed rezoning to General Agriculture is to serve as a holding zone to allow the property owner to rezone the property to a more appropriate use in the future. The rezoning of the subject property from No Use District to General Agriculture District as a holding zone appears to be appropriate.

Notification:

The proper sign has been posted on the subject property. The required mailings will have to be resent with the corrected legal description. Staff will notify the Rapid City Planning Commission at its meeting on May 24, 2007 if the receipts have not been returned prior to the meeting. Staff has received no inquiries or objections concerning this rezoning request.

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Due to an error, the legal advertising was not correct. Staff is requesting that this application be continued to the May 24, 2007 Planning Commission meeting to allow the application to be legally advertised.