

STAFF REPORT
July 26, 2007

No. 07RZ049 - Rezoning from No Use District to General Agriculture District ITEM 33

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 07RZ049 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	All of the N1/2 NE1/4 and the N1/2 NW1/4, less Lot 1 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 145 Acres
LOCATION	East of S.D. Highway 79 and south of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Heavy Industrial District - General Agriculture District
South:	General Agriculture District - General Commercial District - Heavy Industrial District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/29/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Agricultural District be approved for the following revised legal. All of the N1/2 NE1/4 and the N1/2 NW1/4, less Lots 1 thru 7 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

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GENERAL COMMENTS: This staff report has been revised as of July 18, 2007. All revised and/or added text is shown in bold print. This item was continued at the June 21, 2007 Planning Commission to be heard in conjunction with an adjacent rezoning request (07RZ051). The subject property is located east of S.D. Highway 79 and south of Elk Vale Road. The area includes approximately 145 acres, and is currently void of structural development. The subject property was annexed into the City limits effective July 7, 2004 (#04AN011). Upon annexation into the City limits, the property was zoned No Use District.

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 has been annexed into the City limits 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 east of S.D. Highway 79 and south of Elk Vale Road.

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 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 an industrial area. S.D. Highway 79, a principal arterial street on the City's Major Street Plan, is located west of the subject property and Elk Vale Road, a principal arterial street on the City's Major Street Plan, is located north of the subject property. Water and sewer is located in Elk Vale Road and S.D Highway 79. 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 Adopted Comprehensive Plan identifies this area as appropriate for a General Agriculture District. The subject property is currently undeveloped. 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 June 21, 2007 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.

This item was continued to the July 26, 2007 Planning Commission meeting to be heard in conjunction with an adjacent rezoning request (07RZ051). The applicant is requesting that Lots 2 thru 7 of Marlin Industrial Park be rezoned from No Use District to Heavy Industrial District. As such, staff recommends that the Rezoning from No Use District to General Agricultural District be approved for the following revised legal: All of the N1/2 NE1/4 and the N1/2 NW1/4, less Lots 1 thru 7 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.