

STAFF REPORT
November 20, 2008

No. 08RZ046 - Rezoning from No Use District to General Agriculture District ITEM 31

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Craig and Tamara Mested
REQUEST	No. 08RZ046 - Rezoning from No Use District to General Agriculture District
EXISTING LEGAL DESCRIPTION	Tract 20 of High View Subdivision, located in the NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.041 acres
LOCATION	1445 Sammis Trail
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Low Density Residential District (Planned Residential Development)
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Private well and on-site septic system
DATE OF APPLICATION	10/24/2008
REVIEWED BY	Karen Bulman / Karley Halsted

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

GENERAL COMMENTS: This developed property contains 10.041 acres and is located east of U.S. Highway 16 at 1445 Sammis Trail. The property was annexed into the City limits (#08AN002) effective May 15, 2008. The property is currently zoned No Use District. Land located north of the property is zoned Limited Agriculture District by Pennington County. Land located south and west of the property is zoned Low Density Residential District with a Planned Residential Development. Land located east of the property is zoned General Agriculture District by Pennington County.

The property is identified on the US Highway 16 Neighborhood Area Future Land Use Plan

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as appropriate for Planned Residential Development with two dwelling units per acre land uses. Currently, a single family residence, an accessory building and a detached garage are located on the property. The property was zoned Limited Agriculture District by Pennington County prior to annexation.

Previously, the property owner submitted a Layout Plat (#08PL012) to subdivide the property into four lots and a Variance to the Subdivision Regulations (#08SV007) to waive subdivision requirements to install water, sewer, curb, gutter, street light conduit, sidewalks and paving along Sammis Trail and the Section Line Highway. The Layout Plat was approved by City Council with stipulations on April 7, 2008. The Variance to the Subdivision Regulations to waive the requirements for improvements along Sammis Trail and the section line highway has been continued at City Council awaiting the property owner's signature to a Waiver of Right to Protest any future assessments for the improvements.

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 district affected, or the City in general.*

Voluntary annexation of the subject property (#08AN002) was effective May 15, 2008. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The purpose of the General Agriculture Zoning District as stated in the Zoning Ordinance 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.

This property is currently not being developed. The approval of the Layout Plat, to subdivide the property indicates that future development is proposed. The U.S. Highway 16 Neighborhood Future Land Use Plan indicates that the property is appropriate for Planned Residential Development with two dwelling units per acre. The property owner has not agreed to submit a Planned Development Designation for this property. Rezoning the property to Low Density Residential District without the Planned Development Designation would not provide the mitigation that may be necessary if the property is developed. The General Agriculture Zoning District requires 20 acres of land for each dwelling and accessory buildings. Rezoning the property to General Agriculture District as a holding zone will create a non-conforming property. However, until final platting and development occurs,

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rezoning the property from No Use District to 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 amendment.*

Agricultural land is located north and east of the property. Residential land is located south and west of the property. Future expansions of residential developments are proposed for the land south of the property. Future development of the property will require that adequate streets, water and sewer be extended to the development. Staff is not aware of any significant adverse effects that will result from rezoning the property from No Use District to General Agriculture District.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The U.S. Highway 16 Neighborhood Area Future Land Use Plan identifies the property as appropriate for Planned Residential Development with two dwelling units per acre land uses. This property is currently being used for a single family home. Until a Planned Development Designation application has been submitted, rezoning the property to a residential zoning designation will conflict with the Comprehensive Plan. As such, staff recommends zoning the property General Agriculture District as a holding zone.

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 November 20, 2008 Planning Commission meeting if this requirement has not been met. Staff has received one objection regarding the proposed request at the time of this writing.

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