

STAFF REPORT

March 5, 2009

No. 09RZ012 - Rezoning from No Use District to Public District

ITEM 12

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Pennington County Drainage Commission
REQUEST	No. 09RZ012 - Rezoning from No Use District to Public District
EXISTING LEGAL DESCRIPTION	The unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.245 acres
LOCATION	North of S.D. East Highway 44 and west of Lancer Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/6/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Public District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: This undeveloped property contains approximately 1.245 acres and is located north of S.D. East Highway 44 and west of Lancer Drive. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. The surrounding properties are all currently zoned No Use District.

The Elk Vale Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land uses. A Comprehensive Plan Amendment (#09CA003) has been submitted to change the land use from General Commercial land uses to Public in conjunction with this rezoning. The drainage property is owned by Pennington County and is the location of the Hawthorne Irrigation Ditch.

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

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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 property has been annexed into the City limits (#08AN007) and temporarily placed in a No Use Zoning District. 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. The proposal to rezone the property to Public Zoning District is reflective of County owned property used for drainage improvements and will allow the protection of the drainage channel to continue.

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

The Public Zoning District is established to provide for facilities which serve the general public that are operated by the United States of America, the State of South Dakota or any political subdivision which qualifies for exemption from property taxes, or nonprofit organizations. The property is owned by Pennington County and is a significant drainage area for the region. The Elk Vale Neighborhood Area Future Land Use Plan identifies the property, and the surrounding property, as appropriate for General Commercial land use. A Comprehensive Plan Amendment to change the land use from General Commercial to Public has been submitted with this rezoning application. If the Comprehensive Plan Amendment is approved, then rezoning the property from No Use District to Public District is appropriate.

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 proposed rezoning would allow the property, owned by the public, to be used for drainage improvement purposes. Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Public 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.*

The Elk Vale Neighborhood Area Future Land Use Plan identifies the property as appropriate for General Commercial land use. With the approval of the associated Comprehensive Plan Amendment, rezoning the property from No Use District to Public District will be consistent with the adopted Comprehensive Plan.

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 March 5, 2009 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The Pennington County Drainage Engineer and the Pennington County Highway

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Superintendent have been contacted and both concur with the Public Zoning District designation of this County owned property. Staff recommends that the Rezoning from No Use District to Public District be approved in conjunction with the associated Amendment to the Comprehensive Plan.