

STAFF REPORT  
August 6, 2009

---

**No. 09RZ032 - Rezoning from No Use District to General Agriculture District      ITEM 8**

---

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Department of Transportation
REQUEST	<b>No. 09RZ032 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	Lots H-3 and H-4 in the NW1/4 of Section 9, and the south 75 feet of East St. Patrick Street right-of-way located adjacent and north of Lots H-3 and H-4, and the south 75 feet of S.D. Highway 44 right-of-way located north of Lots H-3 and H-4 and north of South Elk Vale Road on-off ramp, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 16.69 acres
LOCATION	At the intersection of East St. Patrick Street and S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District - General Commercial District
South:	General Agriculture District - Suburban Residential District (Pennington County)
East:	Light Industrial District (Planned Industrial Development)
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/10/2009
REVIEWED BY	Karen Bulman

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

GENERAL COMMENTS: This property contains 16.69 acres and is located at the intersection of East St. Patrick Street and S.D. Highway 44. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located north of the property is zoned No Use District and General Commercial District. Land located south of the property is zoned General Agriculture District and Suburban Residential

STAFF REPORT  
August 6, 2009

---

**No. 09RZ032 - Rezoning from No Use District to General Agriculture District**      **ITEM 8**

---

District by Pennington County. Land located east of the property is zoned Light Industrial District with a Planned Industrial Development. Land located west of the property is zoned No Use District.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use with a Planned Commercial Development. The property is currently undeveloped.

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.*

A City initiated annexation of the property (#08AN011) was effective June 4, 2009. 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 part of the previous on-off ramps for E. St. Patrick Street and Elk Vale Road that have now been relocated. This property also includes the southern 75 feet of E. St. Patrick Street and the southern 75 feet of S.D. Highway 44 located adjacent to the previous on-off ramps. The property is not ready for development and is currently undeveloped. There are no structures on the property. Rezoning this property from No Use District to General Agriculture District is appropriate as a holding zone until future development is warranted.

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 south of the property. The property is located at the intersection of E. St. Patrick Street and S. D. Highway 44, a principal arterial streets on the City's Major Street Plan. The property is within the Rapid Valley Sanitary District. Future development of the property will require that adequate water and sewer be extended to the development. The property is located within the 100 year Federally Designated Floodplain. As such, any

STAFF REPORT  
August 6, 2009

---

**No. 09RZ032 - Rezoning from No Use District to General Agriculture District      ITEM 8**

---

future development will require a Floodplain Development Permit. 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 City's Major Street Plan identifies S. D. Highway 44 and E. St. Patrick Street as principal arterial streets. Prior to any development, a Floodplain Development Permit must be obtained to construct structures within the 100 year Federally Designated Floodplain. The Southeast Connector Neighborhood Area Future Land Use Plan identifies the property as appropriate for General Commercial land uses with a Planned Commercial Development. However, until this property is ready for development, rezoning the property to General Agriculture District as a holding zone is consistent with the 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 August 6, 2009 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.

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