

STAFF REPORT  
March 4, 2010

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**No. 10RZ009 - Rezoning from No Use District to Public District**

**ITEM 21**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Rapid Valley Sanitary District
REQUEST	<b>No. 10RZ009 - Rezoning from No Use District to Public District</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.39 acres
LOCATION	3030 Orchard Lane
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	Mobile Home Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/5/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to Public District be approved.

GENERAL COMMENTS: The property occupies 0.39 acres and is located at 3030 Orchard Lane, east of South Valley Drive and west of Elk Vale Road. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located to the north, south and east is zoned General Agriculture District. Land located to the west is zoned Mobile Home Residential District with a Planned Residential Development. Mobile homes are located on the adjacent property to the west. Land located to the north, south and east is void of any structural development. Prior to annexation, the property was zoned Suburban Residential District by Pennington County. A well operated by Rapid Valley Sanitary District is currently located on the property.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Public land use.

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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 17.54.010(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. Per Section 17.26.020, all annexed lands are temporarily designated No Use District. The annexation of the property represents a changing condition that requires the rezoning of the property.

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 Rapid Valley Sanitary District and a well is located on the property. Mobile homes are located on the adjacent property to the west. Land located to the north, south and east is void of structural development. The Southeast Connector Neighborhood Future Land Use Plan identifies the property, and the surrounding property to the north, south and east as appropriate for Public land use. The Future Land Use Plan identifies this property as a part of the Public land use within this area. As such, the rezoning of this property appears to be consistent with the intent and purposes of this ordinance.

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.*

The property is accessed from Orchard Lane, a local street. A dedicated right-of-way exists to the west of the property that serves as access to the property from Orchard Lane. The property is located adjacent to general agriculture zoning with land void of any structural development and mobile home residential land uses. The Southeast Connector Neighborhood Future Land Use Plan identifies the property and adjacent properties to the north, south and east as appropriate for Public land uses. Staff is not aware of any significant adverse effects that will result from rezoning the property from No Use District to Public District.

4. *The proposed amendment 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 Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Public land use. The property is located within the Federally Designation 100 Year Floodplain. Any future development on the property will require a Floodplain Development Permit. Rezoning the subject property from No Use District to Public District is consistent with the adopted Comprehensive Plan.

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Notification Requirement: The required sign has been posted on the property. The white receipts from the certified mailings have been submitted to the Growth Management staff but, as of this writing, the green card receipts have not been returned. Staff will notify the Planning Commission at the March 4, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed request.

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