

STAFF REPORT

April 8, 2010

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**No. 10RZ027 - Rezoning from No Use District to General Agriculture District      ITEM 21**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Robert and Mary Farmer
REQUEST	<b>No. 10RZ027 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	Lot 7 of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.23 acres
LOCATION	2806 Fairmont Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Mobile Home Residential District (Planned Development Designation)
South:	Limited Agriculture District (Pennington County)
East:	Mobile Home Residential District (Planned Development Designation)
West:	Mobile Home Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/12/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to General Agriculture District be continued to the April 22, 2010 Planning Commission meeting.

GENERAL COMMENTS: The property occupies 0.23 acres and is located at 2806 East Fairmont Street, east of Valley Drive and south of 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 to the north, and east is zoned Mobile Home Residential District with a Planned Development Designation. Land located to the south is zoned Limited Agriculture by Pennington County. Land located to the west is zoned Mobile Home Residential with a Planned Residential Development. Mobile homes are located on

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adjacent properties to the north, east and west and undeveloped agricultural land is located to the south. Prior to annexation, the property was zoned Suburban Residential district by Pennington County. A mobile home is currently located on the property.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Mobile Home Residential land use with a Planned Residential Development.

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. 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 purpose of the General Agriculture 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.

A mobile home is currently located on the property. Rezoning this property from No Use District to General Agricultural District is appropriate as a holding zone until future development is warranted. Due to the land uses of the adjacent properties, 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.*

Access to the mobile home property is from South Valley Drive, a collector street on the Major Street Plan, and East Fairmont Street, a local street. Water and sewer services are provided by Rapid Valley Sanitary District. The property is located adjacent to general agriculture land use to the south and mobile home residential land uses to the north, east and west. A mobile home is currently located on the property. A mobile home is not a permitted use in the General Agriculture Zoning District. As such, any expansion of the existing mobile home will require the rezoning of the property to Mobile Home Residential District with a Planned Residential Development. Staff is not aware of any significant adverse

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effects that will result from the requested rezoning.

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 Mobile Home Residential land use with a Planned Residential Development. Rezoning the property from No Use District to General Agriculture District as a holding zone until this property is ready for development is consistent with the adopted Comprehensive Plan.

Notification Requirement: The required sign has been posted on the property but, as of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 8, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed request at the time of this writing.

On March 31, 2010, the Legal and Finance Committee met and discussed the Future Land Use Plan designation for the area. The Legal and Finance Committee recommended that the Planned Development overlay be eliminated from the property. The Legal and Finance Committee recommendation will be considered by the City Council at their regular meeting on April 5, 2010. As such, staff recommends that the rezoning from No Use District to General Agriculture District be continued to the April 22, 2010 Planning Commission meeting.