

STAFF REPORT  
June 6, 2013

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**No. 13RZ007 - Rezoning from General Agricultural District to Public District**      **ITEM 10**

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GENERAL INFORMATION:

APPLICANT	Rod Johnson - City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 13RZ007 - Rezoning from General Agricultural District to Public District</b>
EXISTING LEGAL DESCRIPTION	The south 464.64 feet of the SE1/4 of the NW1/4 of the NE1/4, the south 464.64 feet of the NE1/4 of the NE1/4 less H1, the E1/2 of the SW1/4 of the NE1/4, and the SE1/4 of the NE1/4 located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80.83 acres
LOCATION	West of North Elk Vale Road and south of County Road
EXISTING ZONING	General Agricultural Distirct
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	General Agricultural Distirct
South:	General Agricultural Distirct
East:	General Agricultural Distirct (Pennington County)
West:	General Agricultural Distirct
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	April 16, 2013
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from General Agricultural District to Public District be approved in conjunction with the associated Comprehensive Plan Amendment to the Future Land Use Plan.

GENERAL COMMENTS:

**(Update: May 29, 2013. All revised and/or added text is shown in bold.) This item was continued at the May 23, 2013, Planning Commission due to an error in the publication of this Rezoning request. The notification requirements for this item were not met in time for the item to be heard at the May 23, 2013 Planning Commission**

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**meeting. The item has been published correctly by the Rapid City Journal and may be considered for action by the Planning Commission.**

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described properties from General Agriculture District to Public District. In addition, the applicant has submitted an Amendment to the Comprehensive Plan (File #13CA006) to change the future land use designation from Residential to Public.

On April 21, 2008, the City Council approved an Annexation request (File #08AN006) including the above legally described property.

On November 3, 2008, the City Council approved a Rezoning request (File #08RZ036) to change the zoning designation from No Use District to General Agriculture District.

The property is located on the west side of North Elk Vale Road approximately 850 feet south of the intersection of North Elk Vale Road and Country Road. Currently, the property is undeveloped. The applicant has indicated that the property is proposed to be used for the Dakota Fields soccer complex.

#### STAFF REVIEW:

Staff has reviewed this proposed rezoning request 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 districts affected, or in the City generally.*

Currently, it does not appear that there are any substantially changing conditions in the area.

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

The Rapid City Municipal Code states that the Public 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. As previously indicated, the property is proposed to be used for the Dakota Fields soccer complex. The subject property is located on the west side of North Elk Vale Road which is identified as a Principal Arterial Street on the City's Major Street Plan. Land located to the north, south and west of the subject property is zoned General Agriculture District. Land located east of the subject property is zoned General Agriculture District in Pennington County. It appears that the Rezoning request is consistent with the intent and purpose of the Zoning 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 an amendment.*

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Access to the property is from North Elk Vale Road which is identified as a Principal Arterial Street on the City's Major Street Plan. A Principal Arterial Street requires a minimum of 100 feet of right-of-way as per the Infrastructure Design Criteria Manual. It appears that the existing right-of-way is approximately 66 feet in width. Additional right-of-way will be required as a part of any further subdivision of the property. In addition, any on-site improvements should provide adequate separation from existing and proposed roadways to meet the combined right-of-way and setback requirements.

North Elk Vale Road is not constructed to minimum City Street design standards and may need to be improved to handle future traffic. A Traffic Impact Study may be required for the proposed soccer complex. Currently, the property is not served by sewer or water. The City's Master Utilities Plan indicates that water and sewer services must be extended along North Elk Vale Road from the south. The applicant should be aware that the property is located in the Federal Emergency Management Agency's 100 year Flood Plain. A Flood Plain Development Permit will be required for any future development of the property.

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 applicant has also submitted an Amendment to the Comprehensive Plan to change the future land use designation from Residential to Public. The property is located on the west side of North Elk Vale Road which is identified as a Principal Arterial Street on the City's Major Street Plan. One of the goals of the Future Land Use Plan is to ensure the preservation and proper utilization of environmental resources such as soil, water and clean air. The proposed Rezoning from General Agriculture District to Public District will prevent development in an area that is environmentally unsuited for residential buildings, and will protect the floodplain from incompatible development. Rezoning the subject property from General Agriculture District to Public District is consistent with the adopted Comprehensive Plan.

Summary: Staff recommends that the Rezoning request from General Agriculture District to Public District be approved.

Notification: **The first class mailings have been returned to the Community Planning and Development Services Department and have been mailed. The sign has been posted on the property.**