

STAFF REPORT  
October 23, 2008

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**No. 08RZ036 - Rezoning from No Use District to General Agriculture District**      **ITEM 33**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	DTH, LLC and City of Rapid City
REQUEST	<b>No. 08RZ036 - Rezoning from No Use District to General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	A portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 15, 16, 21, and 22 T2N, R8E, BHM, and the point of beginning. Thence, first course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 2648.28 feet, to the Section ¼ Corner common to Sections 21 and 22; Thence, second course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 840.24 feet; Thence, third course: S89°55'51"W, a distance of 1099.64 feet; Thence, fourth course: N20°31'58"W, a distance of 434.44 feet; Thence, fifth course: N70°52'51"W, a distance of 905.89 feet; Thence, sixth course: N31°45'55"W, a distance of 1350.20 feet; Thence seventh course: N74°37'29"W, a distance of 1202.78 feet, to the southeasterly corner of Lot 2R of Beard Subdivision; Thence eighth course: N00°00'14"E, along the easterly boundary of said Lot 2R, a distance of 297.17 feet, to the northeasterly corner of said Lot 2R, common to the southeasterly corner of Lot 1R of Beard Subdivision; Thence ninth course: N00°01'25"E, along the easterly boundary of said Lot 1R, a distance of 994.83 feet, to the northeasterly corner of said Lot 1R; Thence tenth course: N00°04'36"E, a distance of 32.76 feet, to the W1/6 Corner common to Sections 16 and 21; Thence eleventh course: S89°55'24"E, along the section line common to Sections 16 and 21, a distance of 3974.60 feet, to the section corner common to Sections 15, 16, 21, and 22 T2N, R8E, BHM, and the point of beginning
PARCEL ACREAGE	Approximately 232.79 acres
LOCATION	North of U.S. Interstate 90 and west of Elk Vale Road and east of Dyess Avenue

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EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County) - Suburban Residential District (Pennington County)
South:	No Use District
East:	General Agriculture Dist. (Pennington County) - General Commercial Dist. (Pennington County) - Light Industrial Dist. (Planned Industrial Development) - Flood Hazard Dist. - Public Dist.
West:	No Use District - Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

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

**GENERAL COMMENTS:** This undeveloped property contains 232.79 acres and is located north of U.S. I-90, west of Elk Vale Road and east of Dyess Avenue. The majority of the property was annexed into the City limits (#08AN006) effective May 30, 2008. A minor portion of the property was annexed into the City limits (#08AN008) effective July 29, 2008. The property is currently zoned No Use District. Land located north of the property is zoned General Agriculture District and Suburban Residential District by Pennington County. Land located south of the property is zoned No Use District. Land located west of the property is zoned No Use District by the City and Limited Agriculture District by Pennington County. Land located east of the property is zoned General Agriculture District and General Commercial District by Pennington County, Light Industrial District with a Planned Industrial Development, Flood Hazard District and Public District by Rapid City. In addition to this application for a Rezoning from No Use District to General Agriculture District, an associated rezoning application from No Use District to Light Industrial District (#08RZ037) has been submitted for the adjacent property.

Approximately 80 acres of the property has been deeded to the City for soccer fields by the owner. Currently, the property is void of any structural development.

The property is identified on the Northeast Area Future Land Use Plan as appropriate for Rural Reserve and Public land uses.

**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 district affected, or the City in general.*

Voluntary annexations of the subject property (#08AN006 and #08AN008) were effective May 30, 2008 and July 29, 2008 respectively. 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.

As noted previously, 80 acres of this property has been proposed for donation to the City of Rapid City for recreational use. Municipal uses and parks/playgrounds are permitted uses in the General Agriculture Zoning District. The balance of the property is not ready for development and is currently used for agricultural purposes. Rezoning this property from No Use District to General Agriculture District is appropriate for recreational uses and as a holding zone until future development occurs.

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.*

A portion of the property is being discussed as a potential site for future soccer fields. Agricultural land is located north, east and west of the property. Future expansions of industrial developments are proposed for the land south of the property. Elk Vale Road, a principal arterial on the City's Major Street Plan, is located adjacent to the property on the east and Country Road, a principal arterial, is adjacent to the property on the north. Future development of the property will require that adequate water and sewer be extended to the development. 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.*

As noted, the Major Street Plan identifies Elk Vale Road as a principal arterial road. As such, allowing recreational uses with access to Elk Vale Road would be in compliance with

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the Major Street Plan. The Northeast Area Future Land Use Plan identifies the property as appropriate for Rural Reserve and Public land uses. This property is currently being used for agricultural purposes. Rezoning the property to General Agriculture for recreation and agriculture uses would be consistent with the Comprehensive Plan.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the October 23, 2008 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.

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