

STAFF REPORT
September 10, 2009

No. 09RZ033 - Rezoning from No Use District to Public District

ITEM 4

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Department of Transportation
REQUEST	No. 09RZ033 - Rezoning from No Use District to Public District
EXISTING LEGAL DESCRIPTION	The 100 foot wide railroad right-of-way lying north of Lot H-3 and H-4 in the NW1/4 of Section 9 and north of a portion of the N1/2 NW1/4 less Lot H5 of the NE1/4 NW1/4 and the N1/2 SE1/4 NW1/4 less Lot H1 of Section 9, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.435 acres
LOCATION	East of South Valley Drive and south of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District - General Agriculture District (Pennington County)
East:	General Agriculture District
West:	Public District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	8/14/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Public District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: This undeveloped property contains approximately 1.435 acres and is located south of S.D. East Highway 44 and east of Saint Patrick Street. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north of the property is zoned General Commercial District. Land located east of the property is zoned General Agriculture District. Land located west of the property is zoned Public. Land located south of the property is zoned General Agriculture District and General Agriculture District (Pennington County).

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future

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use of the property as appropriate for General Commercial land uses. A Comprehensive Plan Amendment (#09CA017) has been submitted to change the land use from General Commercial to Public in conjunction with this rezoning. The property is owned by South Dakota Department of Transportation and is the location of a railroad bed with unused railroad tracks.

In 1983, the U.S. Congress amended the National Trails System Act to create the railbanking program in order to preserve rail network lines proposed for abandonment. Some railroad rights-of-way contain easements that revert back to adjacent landowners when an abandonment is consummated. However, if a line is railbanked, the corridor is treated as if it had not been abandoned, effectively maintaining the corridor for potential trail use. The South Dakota Department of Transportation has railbanked approximately 98.5 miles of rail bed between Kadoka and Rapid City along South Dakota Highway 44. This property is included in the rail bed that has been railbanked.

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 districts affected or in the City in general.

The property has been annexed into the City limits (#08AN007) and temporarily placed in a No Use Zoning District. 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. The proposal to rezone the property to Public Zoning District is reflective of State owned property, previously used as a railroad line, and will allow the protection of the property to continue for a future railroad line or potential recreational or other public uses.

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 the South Dakota Department of Transportation, Office of Railroads, and is a railroad bed with unused railroad tracks. The Southeast Connector Neighborhood Area Future Land Use Plan identifies the property, as appropriate for General Commercial land use. A Comprehensive Plan Amendment to change the land use from General Commercial to Public has been submitted with this rezoning application. If the Comprehensive Plan Amendment is approved, then rezoning the property from No Use District to Public District is appropriate and is 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 an amendment.

The proposed rezoning would allow the protection of the property, owned by the public, to

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be used as a railroad bed for railroad uses or other public purposes, such as a recreational trail system. Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Public District.

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 Southeast Connector Neighborhood Area Future Land Use Plan identifies the property as appropriate for General Commercial land use. With the approval of the associated Comprehensive Plan Amendment, rezoning the property from No Use District to Public District will be consistent with the adopted 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 September 10, 2009 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 of the Office of Railroads, South Dakota Department of Transportation have been contacted and concur with the Public Zoning District designation of this State owned property. Staff recommends that the Rezoning from No Use District to Public District be approved in conjunction with the associated Amendment to the Comprehensive Plan.