

STAFF REPORT

September 7, 2000

RZN #00RZ033 - Rezoning from No Use District to Light Industrial District

ITEM 31

GENERAL INFORMATION:

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| PETITIONER | Daniel Hutt for Black Hills Electric Cooperative, Inc. |
| REQUEST | RZN #00RZ033 - Rezoning from No Use District to Light Industrial District |
| LEGAL DESCRIPTION | COMMENCING at the Section Corner common to Sections 26, 27, 34 and 35 in T1N, R7E, BHM, Pennington County, South Dakota, thence S 89 53' 52" W, a distance of 33 ft., to the point of beginning; THENCE FIRST COURSE: S 89 53' 52" W, a distance of 1284.66 feet; THENCE SECOND COURSE: S 00 12' 30" W, a distance of 410.00 feet; THENCE THIRD COURSE : N 89 53' 52" E, a distance of 1247.49 feet; THENCE FOURTH COURSE : N 07 20' 00" E, a distance of 302.86 feet; THENCE FIFTH COURSE : NORTH a distance of 109.68 feet; to the point of beginning, SAID parcel contains 11.965 Ac., more or less, ALL located in the E 1/2 of the NE 1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 11.965 Acres |
| LOCATION | Approximately .6 miles south of the intersection of Catron Boulevard and U.S. Highway 16, on the west side |
| EXISTING ZONING | No Use District (City) |
| SURROUNDING ZONING | |
| North: | General Agriculture District |
| South: | No Use District (City) |
| East: | General Commercial District (PCD) |
| West: | General Agriculture District (County) |
| PUBLIC UTILITIES | None |
| REPORT BY | Bill Lass |

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Light Industrial District be denied without prejudice.

GENERAL COMMENTS: The petitioner has submitted this request to rezone an approximate twelve acre parcel of land from the No Use Zoning District to the Light Industrial District. The

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property is currently undeveloped and was annexed into the City earlier this summer as part of a voluntary annexation. The attached exhibit identifies the subject property as "Lot 3" although this lot has not actually been platted. Similarly, the other two "lots" shown on the exhibit have not been platted but were also recently annexed and rezoned. "Lot 2" was rezoned to Medium Density Residential, while "Lot 1" was rezoned to General Commercial with a Planned Development Designation.

As evidenced in the attached letter from the petitioner, Black Hills Electric Cooperative wishes to rezone the property to Light Industrial to allow for the location of their new headquarters. The headquarters would consist of an office and community room, warehouse and equipment garage, equipment dock, and outside storage including a pole yard.

STAFF REVIEW: Staff has evaluated this rezoning request with respect to the four criteria established for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings is 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.*

There is no question that the Highway 16 South area has been changing in recent years. The recent construction of Catron Boulevard will only accelerate development in this area. It is significant, however, to point out that within the City there is no industrial zoning present along the U.S. Highway 16 South corridor. Most of the surrounding City zoning falls within the General Commercial, General Agricultural, or Low or Medium Density Residential Zoning Districts. There has been no increasing trend towards industrial development in this area. Rezoning this one parcel of property to Light Industrial would constitute a "spot zoning."

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

According to Chapter 17.22.010 of the Zoning Ordinance, the purpose of the Light Industrial Zoning District is "...to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution in which operations are conducted so that noise, odor, dust and glare are completely confined within an enclosed building. These industries may require direct access to rail or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the heavy industrial districts."

Staff does not believe this criterion is being met through this request. The proposed electrical facility will have a large outside storage area while the Ordinance states that operations must be conducted so that "noise, odor, dust and glare are completely confined within an enclosed building." Further, as earlier noted, the surrounding areas and land uses are not zoned as Light Industrial nor being used according to the intent of the Light Industrial District. Nearby

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land uses include jewelry manufacturing and amusement parks which are allowed through the General Commercial Zoning District. City Staff believes that the U.S. Highway 16 South corridor represents an important tourist route and gateway to the City and that it is inappropriate to approve Light Industrial zoning.

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.

Staff believes adverse impacts are likely if this property is rezoned to Light Industrial. The City has no other industrially-zoned lands within two miles of the subject property. Rezoning this property to Light Industrial would clearly represent a "spot zoning" which is not legal. It was noted earlier that land adjacent to this property was recently rezoned to Medium Density Residential. It is inappropriate to have Light Industrial Zoning located adjacent to residentially-zoned land as the potential for adverse impacts on the residential area is great.

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 subject property has not yet been included in one of the neighborhood future land use plans that the City is currently developing. However, the Future Land Use Committee did review the proposed rezoning and indicated serious concerns with rezoning the property to Light Industrial when adjacent existing residential zoning exists. Furthermore, the future land use plan adopted for the Southwest Connector neighborhood identifies General Commercial land uses along Highway 16 with residential land uses further to the west. It is reasonable to assume that this same development scenario should occur on the subject property. The subject property is identified on the "Rapid City Area 2000" Comprehensive Land Use Plan and is identified for future General Commercial land uses along Highway 16.

The required rezoning sign has been posted on the property. The receipts from the certified mailing have not yet been returned. Staff will notify the Planning Commission in the event the receipts are not received prior to the September 7, 2000 meeting.

Based upon lack of conformance with the criteria for review of zoning map amendments, Staff is recommending denial of the rezoning request.