

STAFF REPORT

April 24, 2003

No. 03RZ016 - Rezoning from General Agriculture District to Light Industrial District **ITEM 21**

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bypass LLC
REQUEST	No. 03RZ016 - Rezoning from General Agriculture District to Light Industrial District
EXISTING LEGAL DESCRIPTION	That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the East Section Line of Section 28; thence N00°01'17"W, 607.94 feet to a 5/8" rebar with an illegible survey cap at the NE Corner of Section 28; thence N89°57'07"W, 2651.99 feet to a point at the North 1/4 Corner of Section 28; thence S00°01'17"E, 33.00 feet to a rebar with survey cap marked "1019"; thence S00°01'17"E, 2617.83 feet to an aluminum survey cap at the center of Section 28 at the point of beginning
PARCEL ACREAGE	Approximately 103.38 acres
LOCATION	North and west of the intersection of I-90 and Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Commercial District/General Agriculture District
East:	Box Elder
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	03/28/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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Staff recommends that the Rezoning from General Agriculture District to Light Industrial District be approved.

GENERAL COMMENTS:

The applicant has submitted a request to change the zoning from General Agriculture District to Light Industrial District on the above legally described property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property and an adjacent 35.62 acres into 34 lots. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to improve Elk Vale Road and to construct sidewalks within commercial areas in conjunction with the Layout Plat. The applicant has also submitted a Comprehensive Plan Amendment request seeking to change the future land use designation from Light Industrial to General Commercial and to rezone from General Agriculture District to General Commercial District an adjacent 35.62 acre parcel. (See companion items #02CA016, 03PL038, 03SV016, 03RZ016 and 03CA010.)

The property is located north and west of the intersection of I-90 and Elk Vale Road and is currently void of any structural development.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. 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 district affected, or the City in general.*

The property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. The recent extension of City sewer and water services to the City's Visitors Center have changed the conditions within the area to support the extension of industrial development. In addition, Elk Vale Road, a principal arterial street as classified on the City's Major Street Plan, is located east of the subject property. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future.

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

The purpose of the Light Industrial District as stated in the Zoning Ordinance is to "...provide areas in which the principal use of land is for light manufacturing and assemble 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". The location of the property adjacent to a principal arterial street and within close proximity to I-90 makes it a desirable location for industrial activities.

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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.*

Staff does not believe that rezoning this property will result in any adverse impacts. The recent extension of municipal services to the area as well as the location of the site adjacent to a principal arterial street support industrial development.

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.*

The Elk Vale Neighborhood Area Future Land Use Plan identifies the subject property as appropriate for industrial use(s). Rezoning the property to Light Industrial District is consistent with the adopted Comprehensive Plan.

As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the April 24, 2003 Planning Commission meeting if these requirements have not been met. Staff has not received any calls or inquiries regarding this proposal.