

STAFF REPORT
July 27, 2006

No. 06RZ013 - Rezoning from General Commercial to Light Industrial ITEM 36

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06RZ013 - Rezoning from General Commercial to Light Industrial
EXISTING LEGAL DESCRIPTION	A portion of Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing, for location purposes only, at the Southwest corner of Section 28; Thence north, along the West line of Section 28 and the centerline of Dyess Avenue, a distance of 233.18 feet; Thence S89°43'30"E, a distance of 50.00 feet, to a ½ inch iron pipe found for the Southwest corner of Lot 1 of Starlite Subdivision on the East Right-of-way line of Dyess Avenue and the North Right-Of-way line of Eglin Street (a 100 foot wide public Right-of-way) for the Point of Beginning of the herein described tract; Thence North, along said East Right-of-way of Dyess Avenue and West line of Lot 1 of Starlite Subdivision, a distance of 349.83 feet to a point for corner; Thence S89°43'00" East, a distance of 850.15 feet, to the Easternmost Southeast corner of Lot 1 of Starlite Subdivision; Thence S53°09'39"W, a distance of 328.66 feet, to a corner of Lot 1 of Starlite Subdivision; Thence West, a distance of 80.08 feet, to a corner of Lot 1 of Starlite Subdivision; Thence South, a distance of 151.10 feet, to the Southernmost Southeast corner of Lot 1 of Starlite Subdivision on the North Right-of-way line of Eglin Street; Thence N89°43'30"W, along the North Right-of-way line of Eglin Street and South line of Lot 1 of Starlite Subdivision, a distance of 507.03 feet to the Point of Beginning and containing 5.036 acres, more or less
PARCEL ACREAGE	Approximately 5.036 acres
LOCATION	At the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING North:	General Commercial District

STAFF REPORT
July 27, 2006

No. 06RZ013 - Rezoning from General Commercial to Light Industrial ITEM 36

South: Light Industrial District - General Agriculture District
East: Light Industrial District
West: General Commercial District

PUBLIC UTILITIES To be extended

DATE OF APPLICATION 5/12/2006

REVIEWED BY Karen Bulman / Emily Fisher

RECOMMENDATION: Staff recommends that **the Planning Commission acknowledge the applicant's request to withdraw** the Rezoning from General Commercial District to Light Industrial District.

GENERAL COMMENTS: (Update June 27, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 22, 2006 Planning Commission meeting at the applicant's request.

(Update July 12, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 6, 2006 Planning Commission meeting at the applicant's request.

This undeveloped property contains approximately 5.036 acres and is located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street. Land located north and west of the subject property is zoned General Commercial District. Land located east of the property is zoned Light Industrial District. Land located south of the subject property is zoned Light Industrial and General Agriculture Districts. In addition to this rezoning application, the applicant has submitted a Comprehensive Plan Amendment to change the Elk Vale Neighborhood Future Land Use Plan from General Commercial to Light Industrial land uses (06CA013).

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.*

This undeveloped property is currently zoned General Commercial District. Plans for the extension of water and sewer along the Eglin Street corridor will increase the development of this area. The property owner has indicated that he wishes to have this property developed with Light Industrial land uses.

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

The Light Industrial Zoning District is established to provide areas in which the principal use

STAFF REPORT
July 27, 2006

No. 06RZ013 - Rezoning from General Commercial to Light Industrial **ITEM 36**

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. The subject property is located adjacent to Light Industrial and General Commercial Zoning Districts. The Elk Vale Future Land Use Plan indicates that this property is appropriate for General Commercial land uses. The applicant has submitted a Comprehensive Plan Amendment to change the designation of the subject property from General Commercial to Light Industrial land use in conjunction with this rezoning application. Upon approval of the Comprehensive Plan Amendment, the land use would then be consistent with adjacent property to the south and east.

- 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 subject property is adjacent to General Commercial and Light Industrial Zoning Districts. Water and sewer will be available in the future. Traffic will have access along Eglin Street and the adjacent US Interstate 90. Due to the high visibility corridor and entrance into Rapid City, staff believes that a Planned Development Designation is appropriate for the subject property. The Initial and Final Planned Light Industrial Development will serve as a tool to address the issues specific to the subject property and will help mitigate any potential negative impacts the industrial use may have on existing and future land uses within the area. As such, staff recommends that an application for a Planned Development Designation shall be submitted prior to approval of the rezoning application.

- 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 Elk Vale Neighborhood Future Land Use Plan identifies this area as appropriate for General Commercial land use. An application for a Comprehensive Plan Amendment to change the land use on the subject property from General Commercial to Light Industrial has been submitted in conjunction with the rezoning of the subject property. Due to the high visibility corridor and entrance into Rapid City, staff has recommended that a Planned Development Designation be submitted for the subject property. The Initial and Final Planned Light Industrial Development will mitigate any negative impacts that the industrial use may have on the area. Rezoning the subject property from General Commercial District to Light Industrial District with a Planned Development Designation and in conjunction with a Comprehensive Plan Amendment appears to be appropriate.

As of this writing, the required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

The applicant has requested that this item be continued for two weeks. As such, staff recommends that this Rezoning from General Commercial District to Light Industrial District be continued to the July 6, 2006 Planning commission meeting. (Revised 6-14-06) The applicant has requested that this item be continued for two weeks. As such, staff

STAFF REPORT
July 27, 2006

No. 06RZ013 - Rezoning from General Commercial to Light Industrial ITEM 36

recommends that this Rezoning from General Commercial District to Light Industrial District be continued to the July 27, 2006 Planning commission meeting. (Revised 6-27-06) **The applicant has since requested that this application be withdrawn. As such, staff recommends that the Planning Commission acknowledge the applicant's request to withdraw the Rezoning from General Commercial to Light Industrial. (Revised 7-12-06)**