

STAFF REPORT
July 27, 2006

No. 06RZ021 - Rezoning from General Commercial District to Light Industrial District **ITEM 39**

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bypass, LLC
REQUEST	No. 06RZ021 - Rezoning from General Commercial District to Light Industrial District
EXISTING LEGAL DESCRIPTION	That part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east ¼ line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel containing 4.826 acres more or less
PARCEL ACREAGE	Approximately 4.826 acres
LOCATION	North of Mall Drive and West of Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Agriculture District
East:	General Commercial District (Planned Development Designation)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/30/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

STAFF REPORT
July 27, 2006

No. 06RZ021 - Rezoning from General Commercial District to Light Industrial District **ITEM 39**

RECOMMENDATION: Staff recommends that the Rezoning from General Commercial District to Light Industrial District be continued to the August 24, 2006 Planning Commission meeting to be heard in conjunction with the revised Amendment to the Comprehensive Plan.

GENERAL COMMENTS: This undeveloped property contains approximately 4.826 acres and is located north of Mall Drive and west of Elk Vale Road. Land located north of the subject property is zoned Light Industrial District. Land located east of the property is zoned General Commercial District with a Planned Commercial Development. Land located south and west of the subject property are zoned General Agriculture Districts. Previously, the subject property was indicated as appropriate for the Light Industrial land uses. On June 16, 2003, an application to Amend the Comprehensive Plan to change the land use from Light Industrial to General Commercial with a Planned Commercial Development (03CA013) and a Rezoning from Light Industrial District to General Commercial District (03RZ021) with a Planned Development Designation (03PD022) was approved by the City Council. The property owner now wishes to reverse that land use designation and rezoning. In addition to this Rezoning application, the applicant has submitted an Amendment to the Comprehensive Plan by revising the Northeast Area Neighborhood Future Land Use Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial (06CA021).

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 future extension of Mall Drive will increase the development of this area. Water and sewer are currently located at the Visitor's Information Center located east of the subject property. The property owner has indicated that he wishes to have this property developed with Light Industrial land uses. Staff has not identified any substantially changed or changing conditions of the area.

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 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 Northeast Area Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses with a Planned Commercial Development. The applicant has submitted a Comprehensive Plan Amendment to change the designation of the subject property from General Commercial with a Planned Commercial Development to Light

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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 north.

- 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 as development occurs. Traffic will have access along Mall Drive and the adjacent US Interstate 90. There is a possibility that future truck traffic from the light industrial uses may have a negative effect on adjacent commercial properties to the south and east. A Planned Development Designation currently exists on the subject property. Staff is recommending that this designation continue with the land to serve as a tool to mitigate any adverse effects the development of Light Industrial uses will have on the adjacent commercial property or on any future land uses.

- 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 Northeast Area Neighborhood Future Land Use Plan identifies this area as appropriate for General Commercial land use with a Planned Commercial Development. An application for a Comprehensive Plan Amendment to change the land use on the subject property from General Commercial with a Planned Commercial Development to Light Industrial has been submitted in conjunction with the rezoning of the subject property. Currently a Planned Development Designation exists on the subject property. As such, Staff is recommending that the Comprehensive Plan Amendment as proposed be denied without prejudice to allow the applicant to submit a revised application to Amend the Comprehensive Plan from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Light Industrial Development. In particular, staff has noted that a Planned Development is required to mitigate any negative impacts light industrial uses may have on E. Mall Drive and the Visitor's Information Center located south of the subject property.

As of this writing, the required 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 request at the time of this writing.

Staff recommends that the Rezoning from General Commercial District to Light Industrial District be continued to the August 24, 2006 Planning Commission meeting to be heard in conjunction with the revised Amendment to the Comprehensive Plan.