

STAFF REPORT
October 5, 2006

No. 06RZ037 - Rezoning from Flood Hazard District to Light Industrial District **ITEM 43.**

GENERAL INFORMATION:

PETITIONER	Brendan Casey for Epic Media
REQUEST	No. 06RZ037 - Rezoning from Flood Hazard District to Light Industrial District
EXISTING LEGAL DESCRIPTION	DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .803 acres
LOCATION	The intersection of Omaha and Third Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Services are available to the Subject Property.
DATE OF APPLICATION	9/8/2006
REVIEWED BY	Rodney Proffitt / Emily Fisher

RECOMMENDATION:

Staff recommends that the Rezoning from Flood Hazard District to Light Industrial District be denied.

GENERAL COMMENTS:

The subject property is located in a Flood Hazard Zoning District. It is railroad right-of-way property within the City's designated greenway space. Applications for an amendment to the Comprehensive Plan (06CA032) and for a Planned Light Industrial Development (06PD072) accompany this rezoning application for the subject property.

A Flood Hazard Zone District is established for the purpose of preventing obstructions to floodflows and to keep the potential for flood damage low. The applicant is seeking to change the zoning for the subject property from Flood Hazard District to Light Industrial District. A Light Industrial District is established "...to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing,

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storage, warehousing, wholesaling and distribution in which operations 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.”

A previous application to amend the Comprehensive Plan was submitted for this subject property (06CA014). The application was also accompanied by an application for rezoning from Flood Hazard District to Light Industrial District. The applications were withdrawn from consideration at applicant’s request.

STAFF REVIEW:

Staff reviewed this proposed rezoning for conformance with the four (4) criteria established in Section 17.54.040(D)(1) for zoning map amendments. A summary of Staff findings follow:

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 subject property is located in a Flood Hazard Zoning District. Streets and infrastructure are in place; the subject property is at least partially in the 100 year Rapid Creek floodplain. These circumstances have been present without change for a number of years.

Staff has not identified any changing conditions that would necessitate a change of zoning from Flood Hazard District to Light Industrial District.

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

The Flood Hazard Zoning District is to provide a high level of safety and precaution for any improvements proposed for construction given the propensity of that area to flood. The subject property is located in and immediately adjacent to the floodway mapped for the area. The street network and the water and sewer infrastructure are adequate to serve the subject property for the land uses proposed by the applicant. The proposed rezoning will require a change to the City’s comprehensive plan, and applicant has made that request (06ca032sr).

The Common Council adopted a Resolution Establishing a Rapid Creek Floodplain Policy in June 1993. This policy was updated in 1997 and again September 27, 2000, which is the current policy. Applying the policy requires the Flood Hazard Zoning District boundaries conform to the boundaries of the 100 year hydraulic floodway. While the Rapid Creek Floodway Policy would allow a portion of the subject property to be rezoned, the subject property is within a railroad right-of-way with limited development opportunities and is adjacent to dedicated parkland would appear to make such a change inappropriate.

The proposed change would not be consistent with the intent and purpose of the City’s zoning ordinance; however, a change in zoning from Flood Hazard to Light Industrial at this

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location would be spot 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.*

The subject property is located in a Flood Hazard District, and within existing railroad right-of-way adjacent to open park space on the north, east and west. A designated Principal Arterial Street (Omaha Street) is to the south. The existing water and sewer are public. It is the significant impacts to and upon the City's corridor greenway, which is inappropriate with direct and indirect adverse effects resulting from the rezoning. Staff has determined significant adverse effects would result from rezoning the subject property from Flood Hazard District to Light Industrial 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 Comprehensive Land Use Plan identifies this area as inappropriate for improved land uses beyond floodway land uses. While a Comprehensive Plan amendment has been submitted, a change to the zoning will not remove the hazards that result from flooding, nor the impact of industrial uses on dedicated parkland.

As of this writing, Staff has verified the sign has been posted on the property, and that receipts from the certified mailing have been returned. Staff will notify the Planning Commission at the Planning Commission meeting if staff receives inquiries or objections regarding the proposed rezoning at the time of this writing.