

STAFF REPORT
July 26, 2007

No. 07RZ051 - Rezoning from No Use District to Heavy Industrial District **ITEM 45**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07RZ051 - Rezoning from No Use District to Heavy Industrial District
EXISTING LEGAL DESCRIPTION	Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30.06 acres
LOCATION	1717 thru 1937 Marlin Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	Heavy Industrial District (Pennington County)
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/26/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Heavy Industrial District be approved.

GENERAL COMMENTS: This undeveloped property contains approximately 30.06 acres and is located southwest of the intersection of Elk Vale Road and Creek Drive. The applicant is requesting that the property be rezoned from No Use District to Heavy Industrial District. The applicant is also requesting an Amendment to the Adopted Comprehensive Plan (07CA030) to change the land use designation from General Agriculture to Heavy Industrial.

On June 7, 2004 City Council approved an Annexation (04AN003) that included the subject property and temporarily placed the area in a No Use Zoning District.

On March 20, 2006, City Council approved a Preliminary Plat (06PL004) with stipulations that included the subject property.

On November 21, 2006 a Final Plat (06PL173) was approved for the subject property.

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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.*

All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property and the approved plat constitutes the changing conditions requiring rezoning of the property. Amendments to the existing zoning are appropriate.

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

The Heavy Industrial Zoning District was established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. These uses do not depend primarily on frequent person visits of customers or clients, but usually require good accessibility to major rail or street transportation routes. It appears the intent of the approved plat was to provide an area for industrial development near existing industrial uses. The proposed zoning is consistent with the surrounding zoning designations since the area to the west and south is proposed to be developed as industrial and the area to the north is currently developed with industrial uses. Rezoning the subject property from No Use District to Heavy Industrial District does appear to be appropriate with the future development of the area.

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.*

As previously indicated a Preliminary and Final Plat was approved for the property and water and sewer has been extended into the property. In addition, Elk Vale Boulevard is located north of the property and is classified as a principal arterial street on the City's Major Street Plan and the railroad is located along the west side of the property. Staff is unaware of any significant adverse effects that would result from this amendment.

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 Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Heavy Industrial land uses. In conjunction with the rezoning of this property the applicant is requesting an Amendment to the Adopted Comprehensive Plan (07CA030) to change the land use designation from General Agriculture to Heavy Industrial. As such, the proposed amendment will be consistent with the Development Plan of Rapid City including the Adopted Comprehensive Plan.

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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.

The Future Land Use Committee met July 20, 2007 and recommended approval of the associated Comprehensive Plan Amendment to change the land use from General Agriculture to Heavy Industrial. As such, staff recommends that the rezoning from No Use District to Heavy Industrial District be approved.