

STAFF REPORT
February 7, 2008

No. 08RZ001 - Rezoning from General Agriculture District to Heavy Industrial District **ITEM 14**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	ZCO, Incorporated
REQUEST	No. 08RZ001 - Rezoning from General Agriculture District to Heavy Industrial District

EXISTING
LEGAL DESCRIPTION

A portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the

STAFF REPORT
February 7, 2008

No. 08RZ001 - Rezoning from General Agriculture District to Heavy Industrial District ITEM 14

along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning

PARCEL ACREAGE	Approximately 6.178 acres
LOCATION	Southwest of the intersection of Marlin Drive and Creek Drive
EXISTING ZONING	General Agricultural District
SURROUNDING ZONING	
North:	General Agriculture District- General Commercial District with a Planned Development Designation
South:	General Agriculture District
East:	General Agriculture District
West:	Heavy Industrial District with a Planned Development Designation
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/15/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from General Agricultural District to Heavy Industrial District be approved with the following stipulation:

1. That the Rezoning requested be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Heavy Industrial with a Planned Industrial Development.

GENERAL COMMENTS: The applicant has submitted this Rezoning request to change the zoning designation of the property from General Agricultural District to Heavy Industrial District. This undeveloped property contains approximately 6.178 acres and is located southwest of the intersection of Creek Drive and Marlin Drive. In addition, the applicant has submitted an Amendment to the Adopted Comprehensive Plan (#08CA003) to change the land use designation from General Agriculture to Heavy Industrial with a Planned Industrial Development. Land located south, and east of the property is zoned General Agricultural District. Land located north of the property is zoned General Agricultural District and General Commercial District with a Planned Development Designation. Land located west of the property is zoned Heavy Industrial District with a Planned Development Designation.

STAFF REPORT
February 7, 2008

No. 08RZ001 - Rezoning from General Agriculture District to Heavy Industrial District ITEM 14

The adopted 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 with a Planned Industrial Development.

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

On September 4, 2007, City Council approved an Amendment to the Adopted Comprehensive Plan (#07CA030) to change the land use designation from General Agriculture to Heavy Industrial for the adjacent property.

On September 4, 2007, City Council approved Rezoning (#07RZ051) from No Use District to Heavy Industrial District for the adjacent property.

On October 30, 2007 a Planned Development Designation (#07PD084) was approved for the property.

On November 19, 2007, City Council approved a Preliminary Plat (#07PL132) with stipulations that included this property.

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.*

The property was annexed on June 7, 2004. All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property and the extension of infrastructure to the area 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. Rezoning the property from General Agricultural District to Heavy Industrial District appears to be consistent with the intent and purpose of the district.

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 Plat was approved for the property and water and

STAFF REPORT
February 7, 2008

No. 08RZ001 - Rezoning from General Agriculture District to Heavy Industrial District ITEM 14

sewer has been extended adjacent the property. In addition, the adjacent property to the west was recently rezoned Heavy Industrial District (#07RZ051). Staff noted that a Planned Development Designation application has been submitted and approved for the subject property. The additional review provided by an Initial and Final Planned Industrial Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

- 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 (#08CA003) to change the land use designation from General Agriculture to Heavy Industrial with a Planned Industrial Development. As such, the proposed amendment will be consistent with the Development Plan of Rapid City including the Adopted Comprehensive Plan.

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.