

STAFF REPORT
December 4, 2008

No. 08RZ047 - Rezoning from General Agriculture District to Light Industrial District **ITEM 23**

GENERAL INFORMATION:

APPLICANT	Pat Tlustos for Bypass LLC
AGENT	FMG, Inc.
PROPERTY OWNER	Bypass, LLC (Pat Tlustos)
REQUEST	No. 08RZ047 - Rezoning from General Agriculture District to Light Industrial District
EXISTING LEGAL DESCRIPTION	That portion of the south 33 feet of the SE1/4 that falls within Lot 6 and Lot 8 of Block 2 of I-90 Heartland Business Park and within Rearden Court right-of-way, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 acres
LOCATION	2620 and 2621 Reardon Court
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	No Use District
South:	Light Industrial District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	11/7/2008
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Light Industrial District be approved.

GENERAL COMMENTS: This property contains 1.5 acres and is located north of Seger Drive, west of Elk Vale Road and east of Dyess Avenue. The property was annexed into the City limits in 2004 and zoned General Agriculture District as a holding zone. This undeveloped property is a portion of a vacated section line highway and is the south 33 feet of Lots 6 and 8 of Block 2 of I-90 Heartland Business Park and a portion of Reardon Court. Land located north of the property is zoned No Use District. Land located south of the property is zoned Light Industrial District. Land located east and west of the property is zoned General

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Agriculture District. An associated rezoning application from No Use District to Light Industrial District (#08RZ040) has been submitted for adjacent property to the north.

The property is identified on the Northeast Area Future Land Use Plan as appropriate for Light Industrial land uses. Currently, the property is void of any structural development.

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 district affected, or the City in general.*

This property is part of a recently platted parcel of Heartland Business Park (#08PL064). In addition to this application to rezone the property from General Agriculture District to Light Industrial District, an associated rezoning application from No Use District to Light Industrial District (#08RZ040) has been submitted for the balance of the platted parcel. The recent platting of the property, incorporating both properties, constitutes the changing condition requiring rezoning of the property.

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

The purpose of the Light Industrial Zoning District as stated in the Zoning Ordinance is intended to provide a place 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 property is located adjacent to Seger Drive, a proposed minor arterial street on the City's Major Street Plan, with access to Elk Vale Road, a principal arterial street on the Major Street Plan. City water is located in the intersection of Seger Drive and Rearden Court. City sewer is located on Elk Vale Road and Seger Drive. Water and sewer will be extended as the property develops.

This property is a continuation of light industrial land uses located in the industrial park south and north of the property. Due to the extensive industrial development of adjacent properties, the location of City water and sewer services and street connections to the property, rezoning this property from General Agriculture District to Light Industrial District is consistent with the intent and purposes of this ordinance.

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 amendment.*

This property is part of the future expansions of industrial developments proposed for this area. Seger Drive, a minor arterial on the City's Major Street Plan and Elk Vale Road, a principal arterial on the Major Street Plan, are located south and east of the property respectively. Future development of the property will require that adequate water and sewer be extended to the development. Staff is not aware of any significant adverse effects that

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will result from rezoning the property from General Agriculture District to Light Industrial District.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

As noted, the Major Street Plan identifies Elk Vale Road as a principal arterial road and Seger Road as a minor arterial road. Allowing industrial use(s) along an arterial street is in compliance with the Major Street Plan. The Northeast Area Future Land Use Plan identifies the property as appropriate for Light Industrial land uses. Rezoning the property from General Agriculture District to Light Industrial District would be consistent with the Comprehensive Plan.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission on December 4, 2008 if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the rezoning from General Agriculture District to Light Industrial District be approved.