

STAFF REPORT
January 22, 2009

No. 08RZ049 - Rezoning from General Agriculture District to Light Industrial District ITEM 30

GENERAL INFORMATION:

APPLICANT	Ross and Judy Rhode
AGENT	Ron Bengs of Advanced Engineering
PROPERTY OWNER	Ross and Judy Rhode
REQUEST	No. 08RZ049 - Rezoning from General Agriculture District to Light Industrial District
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot J except Lot 3 of Lot 1 of Lot J in the SE1/4 NW1/4 and the NE1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.9 acres
LOCATION	At the southern terminus of Kennel Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Public District
East:	Public District
West:	Flood Hazard District - Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/14/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS: (Update, January 13, 2009. All revised and/or added text is shown in bold print.) This item was continued to the January 22, 2009 Planning Commission meeting to allow the legal notification requirements to be met. The legal notification for the Rezoning request was published in the newspaper ten days prior to the Planning Commission meeting as required. As such, staff is recommending that this item be approved.

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The applicant has submitted this Rezoning request to change the zoning designation of the property from General Agriculture District to Light Industrial District. This property contains approximately 11.9 acres and there are existing commercial and residential structures located on the property. Land located south and east of the property is zoned Public District. Land located north of the property is zoned Light Industrial District. Land located west of the property is zoned Light Industrial District and Flood Hazard District. The Southeast Connector Future Land Use Plan indicates that this property is appropriate for Light Industrial with a Planned Industrial Development.

On January 7, 2009 a Planned Development Designation (#08PD066) was approved for the 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 is currently zoned General Agriculture District; however the property is surrounded by urban development. The development of the property constitutes the changing conditions requiring rezoning of the property from general agriculture holding zone to the Light Industrial District.

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

The Light Industrial Zoning District was 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. 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. Rezoning the property from General Agricultural District to Light 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.***

Water and sewer mains have been extended to the property. A Planned Development Designation was submitted and approved for the property. The additional review provided by an Initial and Final Planned Unit Development process will insure that possible adverse impacts of development are mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

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- 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 Future Land Use Plan indicates that this property is appropriate for Light Industrial land uses with a Planned Development Designation. A Planned Development Designation (#08PD066) was approved for the property subject to approval of this rezoning request. 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.

The Rapid City Journal staff has notified City staff that the legal notification for the Rezoning request was not published in the newspaper ten days prior to the Planning Commission meeting as required. As such, staff is recommending that this item be continued to the January 22, 2008 Planning Commission meeting.