

STAFF REPORT

June 4, 2009

No. 09RZ025 - Rezoning from General Commercial District to Light Industrial District ITEM 17

GENERAL INFORMATION:

APPLICANT/AGENT James L. Scull, Jr.

PROPERTY OWNER James L. Scull, Jr.

REQUEST **No. 09RZ025 - Rezoning from General Commercial District to Light Industrial District**

EXISTING

LEGAL DESCRIPTION

A parcel of land, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being identical with the northwesterly corner of Lot 2 of SSJE Subdivision recorded at the Pennington County Register of Deeds Office in Plat Book 29 Page 167, said corner being marked with a 5/8" rebar with survey cap said corner being the Point of Beginning: Thence First Course: along the northerly line of said Lot 2 a bearing of S89°56'10"E and a distance of 273.99 feet to 5/8" iron rod; Thence Second Course: along a line bearing S89°57'50"E and a distance of 617.49 feet to a the northeasterly corner of said Parcel and an intersection with the Section 1/16th line of said Section 32; Thence Third Course: along said Section 1/16th line a bearing of S00°07'24"W and a distance of 813.51 feet to the West 1/16 corner of said Section 32 which is marked with a magnetic nail with flasher marked "LS 4371"; Thence Fourth Course: along the southerly section line of said Section 32 a bearing of N89°52'58"W and a distance of 630.09 feet to a 5/8' rebar with survey cap marked "LS 4371"; Thence Fifth Course: continuing along the southerly section line of said Section 32 a bearing of N89°52'47"W and a distance of 170.11 feet to the southwesterly corner of Lot 7 of said SSJE Subdivision marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Sixth Course: along the westerly line of said Lot 7 a bearing of N00°09'09"E and a distance of 205.41 feet to the northwesterly corner of said Lot 7 and an intersection with the southerly right-of-way line of Jess Street marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Seventh Course: along a line with a bearing of N49°19'44"W and a distance of 87.31' to an intersection with the northerly right-of-way line of Jess Street and the southwesterly corner of Lot 2 of Lot A of D.D.E. Subdivision as recorded in Plat Book 29, Page

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68; Thence Eighth Course: along the westerly line of said Lot 2 of Lot A a bearing of N00°00'30"E and a distance of 150.00 feet; Thence Ninth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of S89°53'09"W and a distance of 25.00 feet; Thence Tenth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of N00°09'42"E and a distance of 52.51 feet to the southwesterly corner of Lot 1 of said SSJE Subdivision marked with a 5/8' rebar; Thence Eleventh Course: along the westerly line of said Lot 1 a bearing of N00°26'40"E and a distance of 119.65 feet to the southwesterly corner of Lot 2 of said SSJE Subdivision marked with a 5/8' rebar; Thence Twelfth Course: along the westerly line of said Lot 2 a bearing of N00°00'48"E and a distance of 228.14 feet to the Point of Beginning. Basis of Bearings established by GPS observations, base located at the northeasterly corner of Lot K-2 S. Said Parcel of Land Contains 16.043 acres, more or less

PARCEL ACREAGE	Approximately 14.48
LOCATION	Adjacent to Kermit Lane east and west, south of Jess Street
EXISTING ZONING	General Commercial District (Planned Development Designation) - General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	General Commercial District - Low Density Residential District
East:	General Commercial District - Heavy Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/8/2009
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: The applicant has submitted a rezoning application to change the

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zoning designation from General Commercial District to Light Industrial District. In addition, the applicant has submitted an associated Comprehensive Plan Amendment to the Elk Vale Future Land Use Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development.

The property is located along Jess Street as well as properties adjacent to Kermit Lane, with numerous operational businesses, including indoor storage, battery sales and service, exhaust services and an auto body shop.

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 eastern portion of the property is currently void of any development and is located in an area with continuing industrial land use growth. The expansion of this industrial growth is the change that warrants the rezoning of this property.

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

The Light Industrial Zoning District is 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. The property in question is adjacent to property currently zoned Heavy Industrial District and provides a transition between the adjacent General Commercial Zoning Districts and Heavy Industrial Zoning Districts. The proposed rezoning to Light Industrial District appears to be consistent with the intent and purpose of the Zoning 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 an amendment.*

The property is located in an area that is developing as an industrial and commercial area and is located adjacent to General Commercial Districts and Heavy Industrial Districts. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from General Commercial 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.*

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The Future Land Use Committee considered the associated Comprehensive Plan Amendment to the Elk Vale Future Land Use Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development and recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development be approved. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. As such, staff recommends that the rezoning request from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 4, 2009 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.