

STAFF REPORT  
July 23, 2009

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**No. 09RZ030 - Rezoning from No Use District to Heavy Industrial District**      **ITEM 36**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Royal and Merle Nielsen
REQUEST	<b>No. 09RZ030 - Rezoning from No Use District to Heavy Industrial District</b>
EXISTING LEGAL DESCRIPTION	That portion of Lot 15 Revised of Hillsview Subdivision described as follows: Beginning at the southeast corner of Lot 15 Revised; thence N51°22'18"W 320.51 feet, more or less; thence N38°37'42"E 80.71 feet, more or less; thence N00°00'00"W 283.40 feet, more or less; thence S89°50'46"E 200.00 feet, more or less; thence S00°00'00"E 546.00 feet, more or less to the Point of Beginning; located in the NE¼ SE¼ of Section 5, and the 75 foot wide right-of-way located adjacent and south of the above described parcel, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.749 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Heavy Industrial District
East:	No Use District - Low Density Residential District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/12/2009
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Based on the Future Land Use Committee's recommendation for denial of the related Comprehensive Plan Amendment, staff recommends that the Rezoning from No Use District to Heavy Industrial District be denied.

GENERAL COMMENTS: This developed property contains approximately 2.749 acres and is

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located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north and west of the property is zoned No Use District. Land located east of the property is zoned Low Density Residential District and No Use District. Land located south of the property is zoned Heavy Industrial District.

The property was zoned General Commercial by Pennington County prior to annexation. Currently, a concrete manufacturing business is located on a portion of the property. The balance of the property is being used for construction equipment storage and outdoor storage. The Elk Vale Neighborhood Future Land Use Plan identifies the property as appropriate for General Commercial land uses. Following the annexation of this property, the City submitted a rezoning request from No Use District to General Commercial District, following the adopted Elk Vale Neighborhood Future Land Use Plan. The Council denied the application and indicated that an application should be submitted to Amend the Comprehensive Plan to change the land use from General Commercial to Heavy Industrial with a Planned Industrial Development. A Comprehensive Plan Amendment to change the land use from General Commercial to Heavy Industrial with a Planned Industrial Development (#09CA014) and a Planned Development Designation (#09PD022) have been submitted in conjunction with this application. However, the Future Land Use Committee has recommended denial of the related Comprehensive Plan Amendment.

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 has been annexed into the City limits (#08AN007) and temporarily placed in a No Use Zoning District. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. However, it should be noted that the property was zoned General Commercial in Pennington County. Staff identified no changing condition that would justify zoning the property different from what it had been zoned in Pennington County.

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

The Heavy Industrial Zoning District is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. Prior to annexation, the property was zoned General Commercial District by Pennington County. A portion of the adjoining concrete manufacturing business adjacent to S.D. Highway 44 is located on the property. The balance of the property has been used for construction storage and outdoor storage. There are also two residential structures on the property. Access to the property is from S.D. Highway 44. Low Density Residential District is located east of the property. Heavy Industrial District is located south of the property, separated by S.D. Highway 44. Due to the land uses and zoning of the adjacent properties and the Future

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Land Use Committee's recommendation for denial of the related Comprehensive Plan Amendment, the rezoning to Heavy Industrial District would not appear to be 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 an amendment.*

Access to the property will be from S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The property is located adjacent to Low Density Residential District. The property is located within the Rapid Valley Sanitary District. An Initial and Final Planned Industrial Development will be needed for any expansion or change in use on the property. This Planned Industrial Development will help to mitigate any negative impacts on adjacent properties. However, the Future Land Use Committee is concerned about the potential uses that are allowed with Heavy Industrial Zoning District, such as; chemical manufacturing, asphalt refining, quarries, storage for flammable or combustible liquids, and uses which may be obnoxious or offensive by reason of odor, dust, smoke, gas, noise, and vibration. These uses are incompatible with the residential uses adjacent to the property. In addition, heavy industrial use is not harmonious or appropriate adjacent to a major corridor into the City.

*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 property is located adjacent to S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for General Commercial land uses. Rezoning the property from No Use District to Heavy Industrial District is not consistent with the adopted Comprehensive Plan. The Future Land Use Committee has recommended denial of the related Comprehensive Plan Amendment. In addition, a Heavy Industrial District is not harmonious or appropriate adjacent to a major corridor into the City.

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 July 23, 2009 Planning Commission meeting if this requirement has not been met. Staff received a few phone calls and comments supporting the previous request for general commercial uses in June 2009. At the time of this writing, staff has not received any calls or comments regarding this request.

Based on the Future Land Use recommendation to deny the related Comprehensive Plan Amendment from General Commercial to Heavy Industrial with a Planned Industrial Development, staff recommends that the rezoning from No Use District to Heavy Industrial District be denied.