

STAFF REPORT
July 23, 2009

No. 09RZ031 - Rezoning from No Use District to Light Industrial District **ITEM 34**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Royal and Merle Nielsen
REQUEST	No. 09RZ031 - Rezoning from No Use District to Light Industrial District
EXISTING LEGAL DESCRIPTION	That portion of Lot 15 Revised of Hillsvievw Subdivision described as follows: Beginning at the northeast corner of Lot 15 Revised; thence S00°00'00"E 349.61 feet, more or less; thence N89°50'46"W 200.00 feet, more or less; thence N00°00'00"W 198.82 feet, more or less; thence N90°00'00"W 129.91 feet, more or less; thence N00°03'23"W 150.00 feet, more or less; thence N89°56'06"E 330.06 feet, more or less, to the Point of Beginning; located in the NE¼ SE¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the south 293 feet of Lot 6 of Marshall Subdivision, located in the SE¼ NE¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.009 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	No Use District
East:	Low Density Residential District
West:	Low Density Residential 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 Light Industrial District be denied.

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GENERAL COMMENTS: This developed property contains approximately 5.009 acres and is 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, east and west of the property is zoned Low Density Residential District. Land located south of the property is zoned No Use District.

This property was zoned General Commercial District and Suburban Residential District by Pennington County prior to annexation. A construction business with equipment storage and outdoor storage as well as a salvage business are located on the property. The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land uses. On June 1, 2009, the City Council denied an application to rezone the property from No Use District to Low Density Residential District and indicated an application should be submitted to rezone the property from No Use District to Light Industrial District in conjunction with a Comprehensive Plan Amendment to change the land use from Low Density Residential to Light Industrial with a Planned Industrial Development. Applications to Amend the Comprehensive Plan to change the land use from Low Density Residential to Light Industrial with a Planned Industrial Development (#09CA013) and a Planned Development Designation (#09PD023) have been submitted in conjunction with this application. 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 amendment 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.

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. Prior to annexation, the property was zoned General Commercial District and Suburban Residential District by Pennington County. A construction business with outdoor equipment storage as well as a salvage business are located on the property. Access to the property is from S.D. Highway 44, located south of the property. Low Density Residential Districts are located north, west and east of the property. There are no Light Industrial land uses and no Light Industrial zoning located adjacent to the property. Due to the land uses and zoning of the adjacent properties

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and the Future Land Use Committee's recommendation for denial of the related Comprehensive Plan Amendment, the rezoning to Light 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 property zoned Low Density Residential to the north, east and west. 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 Light Industrial Zoning District, such as; building material sales yard, including rock, sand and gravel, mini-warehousing, car washes, manufacture and retail sales of firearms and ammunition, and crematoriums. These uses are incompatible with the residential uses adjacent to the property.

4. The proposed amendment 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 Low Density Residential land uses. Rezoning the property from No Use District to Light Industrial District is not consistent with the adopted Comprehensive Plan. The Future Land Use Committee has recommended denial of the related 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 July 23, 2009 Planning Commission meeting if this requirement has not been met. Staff received several phone calls and comments supporting the previous request for low density residential 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 Low Density Residential to Light Industrial with a Planned Industrial Development, staff recommends that the rezoning from No Use District to Light Industrial District be denied.