

STAFF REPORT  
December 9, 2010

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**No. 10RZ057 - Rezoning from General Commercial District to Light Industrial District**      **ITEM 7**

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GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center LLC
REQUEST	<b>No. 10RZ057 - Rezoning from General Commercial District to Light Industrial District</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of Lot 3 of GLM Subdivision No. 2, common to a point on the east-west section 1/4 line of Section 28, T2N, R8E, and the point of beginning; Thence, first course: S89°56'27"E, along the said east-west section 1/4 line a distance 204.58 feet, to the center-west 16th corner of said section 28; Thence, second course: S89°58'22"E, along the said east-west section 1/4 line a distance 1326.23 feet, to the center 1/4 corner of said section 28, common to the northwesterly corner of Lot 1 of Mall Drive Subdivision; Thence, third course: S00°01'24"E, along the westerly boundary of said Lot 1, common to the north-south section 1/4 line, a distance of 396.01 feet, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of East Mall Drive right-of-way; Thence, fourth course: S89°53'19"W, along the northerly edge of said East Mall Drive right-of-way, a distance of 1530.15 feet, to the southeasterly corner of said Lot 3; Thence, fifth course: N00°07'04"W, along the easterly boundary of said Lot 3, a distance of 399.88 feet, to northeasterly corner of said Lot 3, common to a point on the east-west section 1/4 line, and the point of beginning, and, a portion of the SW1/4 of Section 28, and Lot 3 of Starlite Subdivision, Section 28, T2N, R8E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at intersection of the southerly edge of East Mall Drive right-of-way, and the easterly edge of Dyess Avenue right-of-way, and the point of beginning; Thence, first course: S89°58'23"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 1017.22 feet; Thence, second course: N89°51'21"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 30.10 feet; Thence, third course:</p>

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S00°00'00"E, a distance of 463.07 feet; Thence, fourth course: S46°19'30"E, a distance of 112.25 feet; Thence, fifth course: S00°00'00"E, a distance of 376.79 feet, to a point on the northerly edge of Interstate 90 right-of-way; Thence, sixth course: N89°50'04"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 261.04 feet, to the southeasterly corner of Lot 3 of Starlite Subdivision; Thence, seventh course: N89°44'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 300.04 feet; Thence, eighth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 279.40 feet, to the northwesterly corner of said Lot 3; Thence, ninth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 278.24 feet, to the easterly edge of said Dyess Avenue right-of-way; Thence, tenth course: N08°55'12"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 342.56 feet; Thence, eleventh course: N00°01'28"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 361.37 feet, to the intersection of the southerly edge of said East Mall Drive right-of-way, and the easterly edge of said Dyess Avenue right-of-way, and the point of beginning

PARCEL ACREAGE	Approximately 35.03 acres
LOCATION	Northeast of the intersection of Dyess Avenue and Interstate 90 north and south of East Mall Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Agriculture District / Heavy Industrial District
South:	Light Industrial District / Light Industrial District (Planned Industrial Development)
East:	General Commercial District (Planned Commercial Development)
West:	Light Industrial District / General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/12/2010

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REVIEWED BY

Jim Flaaen / Ted Johnson

RECOMMENDATION:

Based on the Future Land Use Committee's recommendations on the related Comprehensive Plan Amendment, 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 property occupies 35.03 acres and is located on the south and north sides of Mall Drive, east of Dyess Avenue and west of Dakota Craft Drive. The applicant has submitted a rezoning request to change the zoning from General Commercial District to Light Industrial District. Land located to the north is zoned General Commercial, Heavy Industrial and General Agriculture Districts. Land located to the south is zoned General Commercial District with a Planned Commercial Development and Light Industrial District located across Interstate 90. Land located to the east is zoned General Commercial with a Planned Commercial Development. Land located to the west is zoned General Commercial with a Planned Commercial Development and Light Industrial. The property is currently undeveloped and general commercial and light industrial uses are located on the adjacent properties.

The Northeast Area Neighborhood Future Land Use Plan has identified the future use of the property as appropriate for General Commercial land uses with a Planned Commercial Development. The applicant has submitted a Comprehensive Plan Amendment (#10CA046) application in conjunction with this application to change the future land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial 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.*

The property is currently void of any structural development and is located in an area of continuing growth of commercial land usages. Staff has not identified any substantially changed or changing conditions associated with 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. These industries may require direct access to rail or street transportation routes; however, the

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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 applicant has submitted a Master Plan for the property identifying additional commercial development to the east and south of the property. The property is located near existing Light Industrial and Heavy Industrial areas west of Dyess Avenue and north of the property. The property will provide an extension of the existing Light Industrial District and a transition between the Heavy Industrial Districts and the adjacent General Commercial Districts. The proposed rezoning to Light Industrial District appears to be consistent with the intent and purposes of the Zoning Ordinance.

- 3. The proposed amendment will not adversely affect any other part of the City, nor shall and direct or indirect adverse effects result from such amendment.*

The property is located in an area of developing commercial and industrial land uses. In addition, the property is located nearby existing General Commercial and Light and Heavy Industrial Zoning District. The property is accessed from Mall Drive, a principal arterial on the Major Street Plan, and Dyess Avenue, a minor arterial. 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 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.*

The Northeast Area Neighborhood Future Land Use Plan has identified the future use of the property as appropriate for General Commercial land uses with a Planned Commercial Development. The applicant has submitted a Comprehensive Plan Amendment (#10CA046) application in conjunction with this application. The Future Land Use Committee considered the application to change the land use designation from General Commercial with a Planned Commercial Development 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.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the December 9, 2010 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.

Based on the Future Land Use Committee's recommendation for approval of the related Comprehensive Plan Amendment, staff recommends that the rezoning from General

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Commercial District to Light Industrial District be approved.