

STAFF REPORT
August 25, 2011

No. 11RZ012 - Rezoning from General Agriculture District to Light Industrial District **ITEM 8**

GENERAL INFORMATION:

APPLICANT	Century Resources, Inc.
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Century Resources, Inc.
REQUEST	No. 11RZ012 - Rezoning from General Agriculture District to Light Industrial District
EXISTING LEGAL DESCRIPTION	<p>A portion of Lot 3R of Block 1 of Menard Subdivision, located in the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeasterly corner of Lot 3R of Block 1 of Menard Subdivision, common to the northeasterly corner of Lot 5 of Block 1 of Menard Subdivision, and common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning; Thence, first course: S45°11'32"W, along the southerly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to the northwesterly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 329.02 feet, to the southwesterly corner of said Lot 3R of Block 1 of Menard Subdivision, common to a point on the northwesterly boundary of said Lot 5 of Block 1 of Menard Subdivision, and common to a point on the easterly boundary of a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M.; Thence, second course: N44°47'38"W, along the southwesterly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to the easterly boundary of a portion of the said NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., a distance of 50.00 feet, to a point on the southwesterly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to a point on the easterly boundary of a portion of the said NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M.; Thence, third course: N45°11'32"E, a distance of 330.05 feet, to a point on the easterly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to a point on the westerly edge of said right-of-way of East Anamosa Street; Thence, fourth course: S44°48'01"E, along the easterly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to the</p>

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westerly edge of said right-of-way of East Anamosa Street, a distance of 10.12 feet, to a point of curvature on the easterly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to a point on the westerly edge of said right-of-way of East Anamosa Street; Thence, fifth course: southeasterly, along the easterly boundary of said Lot 3R of Block 1 of Menard Subdivision, common to the westerly edge of said right-of-way of East Anamosa Street, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 02°51'26", an arc length of 39.90 feet, a chord bearing of S43°18'25"E, and a chord distance of 39.89 feet, to the southeasterly corner of Lot 3R of Block 1 of Menard Subdivision, common to the northeasterly corner of Lot 5 of Block 1 of Menard Subdivision, and common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning

PARCEL ACREAGE	Approximately .379 acres
LOCATION	On the south side of East Anamosa Street southeast of the intersection of East Anamosa Street and North Creek Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District - Light Industrial District (Planned Development Designation)
East:	General Commercial District (Planned Commercial District) - Light Industrial District (Planned Development Designation)
West:	General Agriculture District - General Commercial District
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	7/29/2011
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS: On August 12, 2011, the applicant submitted a request to rezone

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approximately .379 acres of land on a portion of one lot from General Agriculture 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.

The applicant has also submitted an associated Rezoning request (File #11RZ011) to change approximately 1.192 acres of land from General Commercial District to Light Industrial District.

The applicant has also submitted an associated Preliminary Plat request (File #11PL040) to replat the lot line between Lot 2 and Lot 3R. The proposed Preliminary Plat and Rezoning requests are shown on Exhibit "A".

The property is located on the south side of East Anamosa Street, approximately 950 feet southeast of the intersection of East North Street and East Anamosa Street. Lot 3R is currently undeveloped.

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 zoned General Agriculture District. General Agriculture Districts are generally viewed as a holding designation, intended to be applied to land on the fringes of the city that will be undergoing future urbanization. Commercial and industrial development in the area has substantially expanded in recent years. Additionally, approval of the associated Comprehensive Plan Amendment will change the land use designation from General Commercial to Light Industrial. The increase in industrial development, the change in land use designation, and the use of General Agriculture Districts to differentiate lands set for future urbanization, constitute substantially changing conditions in the area. The proposed Rezoning request is required to address these changing conditions.

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

The Rapid City Municipal Code indicates that the General Agriculture District is intended to provide for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses and therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the

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appropriate change in district classification is made. The proposed rezoning creates conditions supportive of urbanization on the fringe of the city where similar urbanization efforts are already taking place. The proposed zoning is consistent with the intent and purpose of the 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 amendment.*

The property is located in an area currently developing as an industrial and commercial area located adjacent to a General Commercial District. East Anamosa Street is a principal arterial street on the Major Street Plan. The property adjacent to the southeast was rezoned from General Commercial to Light Industrial in 2010. A stormwater detention pond buffers the development from General Commercial and Light Industrial development to the west and south. East Anamosa Street provides separation between current general commercial developments to the northeast. The proposed rezone is adjacent to land currently zoned Light Industrial District. Staff is not aware of any significant adverse effects that would result from rezoning the property from General Commercial District to Light Industrial District.

- 4. The proposed amendment 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 associated Comprehensive Plan Amendment to the Elk Vale Future Land Use Plan to change the land use designation from General Commercial to Light Industrial is being recommended for approval in conjunction with this rezoning request. If the Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. Staff has noted that a 20 foot wide Sanitary Sewer Easement is located within the area of the proposed rezoning request. The applicant should be aware that a Vacation of Easement must be secured prior to any development within the Easement area. The rezoning does not conflict with the Major Street Plan or the Community Facilities Plan. Staff recommends that the rezoning request from General Agriculture District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

Notification Requirements: As of this writing, the required sign has not been posted on the property. The receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the August 25, 2011 Planning Commission meeting if these requirements have not been met. As of this writing, staff has received no inquiries regarding the proposed Rezoning request.