

STAFF REPORT
January 24, 2008

No. 07RZ078 - Rezoning from No Use District to Heavy Industrial District **ITEM 22**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Dakota Craft Business Properties, LLP
REQUEST	No. 07RZ078 - Rezoning from No Use District to Heavy Industrial District
EXISTING LEGAL DESCRIPTION	Lots 1A and 2A, located in the SE1/4 of the NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.0 acres
LOCATION	5406 Old Folsom Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Heavy Industrial District (Planned Industrial Development)
South:	General Agriculture District (Pennington County)
East:	Heavy Industrial District (Pennington County) - General Commercial District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Shared well and on-site septic system
DATE OF APPLICATION	12/28/2007
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Heavy Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: This developed property contains approximately 9.0 acres and is located at 5406 Old Folsom Road. The property was annexed effective October 11, 2007 (File #07AN005) and is currently zoned No Use District. Land located north of the property is zoned Heavy Industrial District with a Planned Industrial Development. Land located south and west of the property is zoned General Agriculture District by Pennington County. Land located east of the property is zoned General Commercial District and Heavy Industrial District by Pennington County. The draft Southeast Connector Neighborhood Future Land Use Plan indicates that this property may be appropriate for Heavy Industrial land uses.

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However, the current Comprehensive Plan indicates that the property is appropriate for Agriculture land uses. As such, a Comprehensive Plan Amendment (File #07CA066) changing the land use from Agriculture to Heavy Industrial has been submitted in conjunction with this rezoning request for the subject property.

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 (#07AN005) and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. Prior to annexation, the property was zoned Heavy Industrial by Pennington County. The proposal to rezone the property to Heavy Industrial Zoning District is reflective of the adjacent industrial development to the north and east and is an extension of the industrial corridor along S.D. Highway 79.

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. These uses do not depend primarily on frequent person visits of customers or clients, but usually require good accessibility to major rail or street transportation routes. The property is developed as an industrial area and located adjacent to Heavy Industrial Zoning Districts in Rapid City and in Pennington County. The draft Southeast Connector Neighborhood Future Land Use Plan identifies the property as appropriate for Heavy Industrial land use. S.D. Highway 79, identified as a principal arterial street on the Major Street Plan, is located west of the subject property. The proposed zoning is consistent with the surrounding zoning designations and with the intent of this ordinance. Rezoning the property from No Use District to Heavy Industrial District appears to be appropriate.

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 adjacent to existing Heavy Industrial Zoning Districts. The proposed rezoning would provide an extension of the existing zoning. Currently the property is developed as an industrial site and is served by a septic system and shared water well. Future development of the property will require adequate water and sewer service. Water and sewer mains are located in the Marlin Industrial Park located north of the property. Water and sewer plans in accordance with City standards shall be submitted for approval prior to any future construction.

The property does not abut a public road right-of-way. Access to the property is through a Private Roadway Crossing Agreement with the Chicago & North Western Transportation

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Company.

Staff is not aware of any significant adverse effects that would result from rezoning the property from No Use District to Heavy 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.*

The draft Southeast Connector Neighborhood Future Land Use Plan identifies the property as appropriate for Heavy Industrial land use. However, the current Comprehensive Plan identifies the property as appropriate for Agriculture land use. As such, an associated Comprehensive Plan Amendment to change the land use on the property from Agriculture to Heavy Industrial has been submitted in conjunction with the rezoning request for the property. If the Comprehensive Plan Amendment is approved, the proposed rezoning will be consistent with the adopted plans.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Rezoning from No Use District to Heavy Industrial District be approved.