

STAFF REPORT  
December 4, 2008

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**No. 08RZ040 - Rezoning from No Use District to Light Industrial District**      **ITEM 21**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	By-Pass Development, LLC
REQUEST	<b>No. 08RZ040 - Rezoning from No Use District to Light Industrial District</b>
EXISTING LEGAL DESCRIPTION	Lots 6 thru 8 of Block 2 of I-90 Heartland Business Park, a portion of Reardon Court, all less the south 33 feet, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.03 acres
LOCATION	North of Seger Drive, west of Elk Vale Road and east of Dyess Avenue
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Light Industrial District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/10/2008
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Light Industrial District be approved.

GENERAL COMMENTS: **(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Staff is recommending that this item be approved.** This undeveloped property contains 12.03 acres and is located north of Seger Drive, west of Elk Vale Road and east of Dyess Avenue. The property was annexed into the City limits (#08AN008) effective July 29, 2008. The property is currently zoned No Use District. Land located north, east and west of the property is zoned No Use District. Land located south of the property is zoned Light Industrial District. In addition to this application for a Rezoning

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from No Use District to Light Industrial District, an associated rezoning application from No Use District to General Agriculture District (#08RZ041) has been submitted for adjacent property.

The property is identified on the Northeast Area Future Land Use Plan as appropriate for Light Industrial land uses. The property was recently platted into three lots (#08PL064). Currently, the property is void of any structural 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.*

Voluntary annexation of the subject property (#08AN008) was effective July 29, 2008. 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 purpose of the Light Industrial Zoning District as stated in the Zoning Ordinance is intended to provide a place 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. The property is located adjacent to Seger Drive, a proposed minor arterial street on the City's Major Street Plan, with access to Elk Vale Road, a principal arterial street on the Major Street Plan. City water is located in the intersection of Seger Drive and Rearden Court. City sewer is located on Elk Vale Road and Seger Drive. Water and sewer will be extended as the property develops.

This property is a continuation of light industrial uses located in the industrial park south of the property. Due to the extensive industrial development of adjacent properties, the location of City water and sewer services and street connections to the property, rezoning this property from No Use District to Light Industrial District is 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 amendment.*

Future expansions of industrial developments are proposed for this property. Seger Drive, a minor arterial on the City's Major Street Plan and Elk Vale Road, a principal arterial on the Major Street Plan, are located south and east of the property respectively. Future development of the property will require that adequate water and sewer be extended to the development. Staff is not aware of any significant adverse effects that will result from rezoning the property from No Use District to Light Industrial District.

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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.*

A request for a Letter of Map Revision to identify the hydraulic floodway has been submitted to the Federal Emergency Management Agency for the property north and adjacent to this property. The existing 100 year floodplain boundaries generally follow along the property lines and are located north of this property. A portion of the 100 year floodplain is located within an existing major drainage easement located on Lot 7 of Block 2 of Heartland Business Park.

As noted, the Major Street Plan identifies Elk Vale Road as a principal arterial road and Seger Road as a minor arterial road. Allowing industrial use(s) along an arterial street is in compliance with the Major Street Plan. The Northeast Area Future Land Use Plan identifies the property as appropriate for Light Industrial land uses. Rezoning the property from No Use District to Light Industrial District would be consistent with the Comprehensive Plan.

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 Light Industrial District be approved.

**Notification Requirement: City staff mailed new notification letters to the surrounding property owners as required notifying them of the change in hearing date and republished the public hearing notice. As of this writing, staff has not received any calls of inquiry regarding this item.**