

STAFF REPORT  
April 9, 2009

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**No. 09RZ019 - Rezoning from No Use District to Light Industrial District**      **ITEM 16**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Alan & Janet Leighton
REQUEST	<b>No. 09RZ019 - Rezoning from No Use District to Light Industrial District</b>
EXISTING LEGAL DESCRIPTION	Lot 5 of the E1/2 SE1/4, and the 75 foot wide East Highway 44 Right-of-way located north of Lot 5 of the E1/2 SE1/4, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.45 acres
LOCATION	2613 East Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Light Industrial District
East:	No Use District
West:	Heavy Industrial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/13/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Light Industrial District be approved in conjunction with a Planned Development Designation.

GENERAL COMMENTS: This developed property contains approximately 3.45 acres and is located at 2613 East Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north and east of the property is zoned No Use District. Land located south of the property is zoned Light Industrial District. Land located west of the property is zoned Heavy Industrial District.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Light Industrial land uses with a Planned Industrial Development. Currently, a garden center and a residential structure are located on the

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property. An application for a Planned Development Designation (#09PD010) for the property has been submitted.

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 (#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 Highway Service District by Pennington County. Currently, a garden center with several greenhouses and a single family residence are located on the property. Garden centers and sod farms are a permitted use in the Light Industrial Zoning District. A single family residence, under one ownership and incidental to the light industrial use, is allowed through a Conditional Use Permit for the purpose of providing security. Access to the property is from S.D. Highway 44 and from South Valley Drive. Properties used for industrial purposes are located south and west of the property. As such, Light Industrial District appears to be an appropriate zoning district for this property.

*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 garden center will be from S.D. Highway 44, a principal arterial on the City's Major Street Plan. Access to the residence is from South Valley Drive, a collector street on the City's Major Street Plan. The property is located adjacent to industrial land uses. The property is located within the Rapid Valley Sanitary District. The additional review provided by a Planned Industrial Development process will insure that any possible adverse impacts of development are adequately mitigated. Based on the provision of a Planned Development overlay, no significant adverse impacts that will result from the requested rezoning have been identified.

*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.*

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The property is located south and adjacent to S.D. Highway 44, a principal arterial on the City's Major Street Plan and east and adjacent to South Valley Drive, a collector street on the City's Major Street Plan. The Adopted Southeast Connector Neighborhood Future Land Use Plan indicates that this area is appropriate for Light Industrial land uses with a Planned Industrial Development. Rezoning the subject property from No Use District to Light Industrial District in conjunction with a Planned Development Designation is consistent with the adopted Comprehensive Plan.

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 April 9, 2009 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.

The property owner has been contacted and concurs with the Light Industrial Zoning District designation of their property. Staff recommends that the rezoning from No Use District to Light Industrial District be approved in conjunction with a Planned Development Designation.