

STAFF REPORT
November 5, 2009

No. 09RZ049 - Rezoning from General Commercial District to Light Industrial District **ITEM 36**

GENERAL INFORMATION:

APPLICANT/AGENT	James L. Scull, Jr.
PROPERTY OWNER	Magic Mountain, LLC
REQUEST	No. 09RZ049 - Rezoning from General Commercial District to Light Industrial District
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.021 acres
LOCATION	925 Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	10/14/2009
REVIEWED BY	Marcia Elkins / Karley Halsted

RECOMMENDATION:

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: This developed property includes approximately 5 acres of land and is located on the northwest corner of the intersection of Elk Vale Road and Homestead Street. The property was previously the location of All Decked Out. The property is currently zoned General Commercial District. The property to the north, east and south is zoned General Commercial District. The property to the west is zoned Light Industrial District. The applicant is proposing to locate a firearms accessory manufacturing, distribution and warehousing business on the site with some limited retail sales of the products manufactured and distributed on the site. These uses are permitted uses in the Light Industrial Zoning District.

The adopted Comprehensive Plan (Elk Vale Neighborhood Future Land Use Plan) for this area

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identifies the area as appropriate for General Commercial land uses. The applicant has submitted an accompanying Comprehensive Plan Amendment (09CA029) to change the Future Land Use Plan designation from General Commercial to Light Industrial.

A Preliminary Plat (09PL003) application for the property in question was approved on June 15, 2009. A related Subdivision Variance (09SV002) waiving the requirement for the installation of water in Elk Vale Road was also approved on June 15, 2009 with the requirement that a Waiver of Right to Protest the Assessment for such improvement was entered into with the City of Rapid City. The Final Plat for Lot 1, Block 2 was subsequently approved and recorded.

STAFF REVIEW: The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

Staff 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 the 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.*

Staff has not identified any changing condition that requires rezoning of the property. However, staff noted that during the platting of the property, a revised master plan for the area was submitted. That master plan identifies the reconfiguration of land ownership and lot lines to provide lots fronting on Turbine Drive, avoiding the requirement to build an additional street network to serve the property. The platting of this lot (approved earlier this year) along with the change in the zoning of the property is part of the overall plan presented in the Master Plan the Planning Commission and City Council reviewed approximately six months ago.

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 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 property in question is located directly east of the Rushmore Business Park, a developing industrial/business park. The site is also adjacent to Elk Vale Road (U.S. Highway 16B) and has excellent access to Interstate 90 via the Elk Vale Road. The proposed rezoning to Light Industrial District appears to be consistent with the intent and purpose of the Zoning Ordinance.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall*

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any direct or indirect adverse effects result from such an amendment.

The property located directly west of the site is zoned Light Industrial Zoning District and has developed as the Rushmore Business Park. Due to the location of the property adjacent to a Federal Highway with City services provided, staff did not identify any significant adverse affect the proposed rezoning would have on any other part of the City, nor any significant direct or indirect adverse effects that would result.

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 Future Land Use Committee considered the associated Comprehensive Plan Amendment to change the land use designation from General Commercial to Light Industrial. They recommended approval of the Amendment to the adopted Comprehensive Plan changing the Future Land Use designation of the property to Light Industrial. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Comprehensive Plan. As such, staff recommends that the request to rezone the property from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

Staff will inform the Planning Commission if the required sign is not posted on the property or if the receipts from the certified mailing have not been returned.