

STAFF REPORT
January 5, 2012

No. 11RZ027 - Rezoning from Mobile Home Residential District to Light Industrial District **ITEM 7**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	No. 11RZ027 - Rezoning from Mobile Home Residential District to Light Industrial District
EXISTING LEGAL DESCRIPTION	A portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the Section Corner common to Sections 20, 21, 28, and 29, T2N, R8E, BHM, thence N00°02'15"W, a distance of 661.35 feet to the point of beginning; Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 1989.41 feet, to a the Section ¼ Corner common to Sections 20 and 21; Thence, second course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 423.05 feet; Thence, third course: S89°56'10"E, a distance of 1331.07 feet; Thence, fourth course: S00°03'50"W, a distance of 2410.10 feet; Thence, fifth course: S89°57'45"W, a distance of 1326.99 feet, to a point on the section line common to Sections 20 and 21, and the point of beginning.
PARCEL ACREAGE	Approximately 73.573 acres
LOCATION	Northeast of the intersection of Seger Drive and Dyess Avenue
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	12/8/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

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RECOMMENDATION:

Staff recommends that the Rezoning request from Mobile Home Residential District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: The applicant has submitted a rezoning request to rezone approximately 73.57 acres of land from Mobile Home Residential District to Light Industrial District.

The applicant has submitted an associated Comprehensive Plan Amendment to change the future land use designation from Mobile Home Residential to Industrial (File #11CA016).

The property was annexed into the city in 2008 (File # 08AN008). On November 3, 2008, the City Council approved a Rezone request to rezone a portion of the property from No Use District to General Agriculture District (File # 08RZ036). On March 3, 2008, the City Council approved a Comprehensive Plan Amendment changing the future land use designation from Low Density Residential to Light Industrial (File #07CA055). On August 16, 2010, the City Council approved a Rezone request to change the zoning from General Agriculture to Mobile Home Residential District (File #10RZ020) and an associated Comprehensive Plan Amendment to change to future land use designation from Light Industrial to Mobile Home Residential (File #10RZ042). The current requests will return the zoning and future land use designations to an industrial use.

The property is unplatted and located approximately 500 feet north of the intersection of Seger Drive and Dyess Avenue, on the east side of Dyess Avenue, in the northeastern portion of the city. Currently the land is 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.*

When the land was annexed into the City in 2008, a future land use designation of Light Industrial was approved for the property. In 2010, the property was rezoned from General Agriculture District to Mobile Home Residential District. Since the approval of the Rezone request and associated Amendment, there has been no development of the property. As such, the applicant's request will return the zoning back to the originally approved light industrial classification. Approval of the associated Comprehensive Plan Amendment will change the future land use designation from Residential to Industrial.

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

The Rapid City Municipal Code states that the Light Industrial District is intended 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

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operations are conducted so that noise, odor, dust and glare are completely confined within an enclosed building. The property is adjacent to Dyess Avenue, which is designated as a Minor Arterial Street on the Major Street Plan. Other land in the vicinity is being developed with commercial and industrial uses. The location of the property will support the higher intensity of use associated with a Light Industrial District. It appears the proposed zoning is consistent with the intent and purpose 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.*

The location of the property abutting a Minor Arterial Street and the property's proximity to U.S. Interstate 90 makes it desirable for industrial development. Property to the south is a mix of industrial and commercial land use designations. A portion of the Mobile Home Residential District will remain to the north. Property to the west is located in Pennington County, and property to the east is zoned General Agriculture District. General Agriculture Districts are normally utilized as a holding designation until a determination has been made regarding the development of the property. It appears the proposed rezone will not adversely affect any other part of the city.

- 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 will change the future land use designation for the property to industrial. The existing streets in the area can accommodate a higher intensity of use. A portion of the southern part of the property is located in the 100 year flood plain. The property is served by city water and sewer. The rezoning request appears to be consistent with the development plan for Rapid City if approved in conjunction with the associated Comprehensive Plan Amendment.

Notification Requirements: The proposed sign has been posted on the property. As of this writing, the required receipts of the certified mailings have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the January 5, 2012 Planning Commission meeting if the notification requirements have not been met. At this time, there have been no inquiries about this request.