

STAFF REPORT  
September 6, 2012

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**No. 12RZ015 - Rezoning from Mobile Home Residential District to Light Industrial District** **ITEM 9**

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GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	<b>No. 12RZ015 - Rezoning from Mobile Home Residential District to Light Industrial District</b>
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 of the NW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beard Subdivision, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S00°02'19"E, along the section 1/16th line, a distance of 902.16 feet; Thence, second course: N89°56'49"W, a distance of 1325.49 feet, to a point on the section line common to Sections 20 & 21, T2N, R8E, BHM.; Thence, third course: N00°00'41"W, along said section line, a distance of 902.18 feet, to the section 1/16 line; Thence, fourth course: N89°59'19"E, along the section 1/16th line, a distance of 33.10 feet to the southwesterly corner of Lot 3 of Beard Subdivision; Thence, fifth course: S89°56'52"E, along the southerly boundary of said Lot 3, common to the section 1/16th line, a distance of 564.86 feet, to the southeasterly corner said Lot 3, common to the southwesterly corner of said Lot 2R; Thence, sixth course: S89°56'31"E, along the southerly boundary of said Lot 2R, common to the section 1/16th line, a distance of 727.10 feet, to the said point of beginning
PARCEL ACREAGE	Approximately 27.449 acres
LOCATION	Approximately 3,000 feet north of Seger Drive along the east side of Dyess Avenue
EXISTING ZONING	Mobile Home Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Limited Agriculture District - General Commercial District (Pennington County)
South:	Light Industrial District

STAFF REPORT  
September 6, 2012

---

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---

East:	General Agriculture District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	August 10, 2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

**RECOMMENDATION:**

Staff recommends that the Rezoning from Mobile Home Residential District to Light Industrial District be approved.

**GENERAL COMMENTS:**

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Mobile Home Residential District to Light Industrial District. The applicant has also submitted an Amendment to the Comprehensive Plan (File #12CA005) to change the land use designation from Residential to Industrial. In addition, the applicant has submitted a Rezoning request (File #12RZ016) from General Agriculture District to Light Industrial District and an Amendment to the Comprehensive Plan (File #12CA006) to change the land use designation from Residential to Industrial for the land located directly to the east of the above legally described property.

On June 16, 2008, a Petition for Annexation was approved (File #08AN008) including the above legally described property.

On December 15, 2008, the City Council approved a Rezoning request from No Use District to General Agriculture District (File #08RZ041) including the above legally described property.

On August 16, 2010, the City Council approved a Rezoning request from General Agriculture District to Mobile Home Residential District (File #10RZ042) including the above legally described property.

On August 26, 2010, the City Council approved an Amendment to the Comprehensive Plan to change the land use designation from Light Industrial to Mobile Home Residential (File #10CA020) including the above legally described property.

The property is located on the east side of Dyess Avenue approximately 1,300 feet south of the intersection of County Road and Dyess Avenue. Currently, the property 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:

STAFF REPORT  
September 6, 2012

---

**No. 12RZ015 - Rezoning from Mobile Home Residential District to Light Industrial District** **ITEM 9**

---

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the City generally.*

There are no substantially changed or changing conditions in the area.

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 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. The Zoning Ordinance is the tool that enforces the Comprehensive Plan. The above legally described property is located on the east side of Dyess Avenue approximately 1,300 feet south of the intersection of Dyess Avenue and Country Road. Dyess Avenue is identified as a Minor Arterial Street on the City's Major Street Plan and should provide sufficient access for an industrial use. The applicant should be aware that Dyess Avenue is not currently built to Minor Arterial standards and may need to be upgraded in the future.

On January 17, 2012, the City Council approved an Amendment to the Comprehensive Plan (File #11CA016) for the land located directly to the south, to change the land use designation from Residential to Industrial. In addition, the City Council approved a Rezoning request (File #11RZ027) from Mobile Home Residential District to Light Industrial District. Originally, the City considered this area suitable for Industrial development. Previously, the applicant wanted to locate a mobile home park on the above legally described property. The area is now becoming more industrial in nature and thus the rezoning of this property appears to be appropriate and 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 an amendment.*

The City's adopted Future Land Use Plan identifies properties to the south and east of the above legally described property as Industrial. The applicant has also submitted an Amendment to the Comprehensive Plan (File #12CA005) to change the land use designation from Residential to Industrial. The proposed Rezoning is located adjacent to Dyess Avenue, identified as a Minor Arterial on the City's Major Street Plan. It does not appear that the proposed rezoning request will have an adverse affect.

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 property is currently undeveloped. The City's Major Street Plan identifies Dyess Avenue as a Minor Arterial Street. The applicant should be aware that Dyess Avenue is not currently built to Minor Arterial Street standards and that street repairs or upgrades may be needed in the future due to long term industrial traffic use. The applicant has

STAFF REPORT  
September 6, 2012

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**No. 12RZ015 - Rezoning from Mobile Home Residential District to Light Industrial District**      **ITEM 9**

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also submitted an Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial. The applicant should be aware that water and sewer will have to be extended in compliance with the Utility Service Master Plan to serve future industrial uses. The proposed rezoning is consistent with the Development Plan of Rapid City.

The rezoning request meets three of the four criteria for review of zoning map amendments as per Section 17.54.040(D)(1). As such, staff recommends that the rezoning from Mobile Home Residential District to Light Industrial District be approved.

Notification Requirement: As of this writing, the white slips and green cards have not been returned. The required sign has not been posted on the property. Staff will notify the Planning Commission at the September 6, 2012 Planning Commission meeting if these requirements have not been met.