

STAFF REPORT

November 22, 2000

RZN #00RZ046 - Rezoning from No Use District to Light Industrial District

ITEM 19

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	RZN #00RZ046 - Rezoning from No Use District to Light Industrial District
LEGAL DESCRIPTION	Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .60 Acres
LOCATION	4302 S. Highway 79
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Heavy Industrial District (City)
South:	Heavy Industrial District (County)
East:	Heavy Industrial District (County)
West:	General Commercial District (City)
PUBLIC UTILITIES	City Water, On Site Wastewater
REPORT BY	Lisa Seaman

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

GENERAL COMMENTS: The subject property is located on the east side of South Dakota Highway 79 and is currently the location of Smokin Joe's No. 12 Bar and Grill. This property can be accessed from Merrilat Road on the north or the Highway 79 Service Road on the east. At the property owners request the Common Council approved the annexation of this property on June 15, 1998. Under Section 17.26.020 of the Rapid City Municipal Code, all newly annexed properties are zoned "No Use" while a study of the appropriate zoning of the affected properties is completed.

STAFF REVIEW: Staff has reviewed this request 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.*

STAFF REPORT

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RZN #00RZ046 - Rezoning from No Use District to Light Industrial District

ITEM 19

Lot C of the NW 1/4 of the NW 1/4 of the SW 1/4 less public right-of-way, Section 17, T1N, R8E, BHM, Rapid City, SD was annexed in 1998. All lands annexed by the City shall, upon annexation, be placed in the No Use Zoning District. The No Use Zoning District is a temporary designation for the purpose of permitting investigation and study of the land uses in the area.

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

The primary land uses on the east side of Cambell Street/South Dakota Highway 79 are industrial. The Pacific Steel and Recycling operation is north of the subject property; South Dakota Concrete products is located to the east, and a utility substation for Black Hills Power and Light is located south of the subject property. The property is currently the location of Smokin Joe's No. 12 Bar and Grill. The on-sale liquor establishment and restaurant are not permitted under the Light Industrial Zoning District regulations and would become a legal nonconforming use in the Light Industrial Zoning District. However based on the surrounding land uses, redevelopment of the property to an industrial use would be appropriate.

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 location of the property off Cambell Street/South Dakota Highway 79 and just north of the intersection with Catron Boulevard make this area appropriate for Light Industrial land uses. The property is currently served by City water with City sanitary sewer located just to the south of the property and could be extended to serve the subject property. The amendment should not negatively affect any of the surrounding land uses or public infrastructures.

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 1974 5th Year Update to the Comprehensive Plan identifies this area for industrial land uses. This area has not yet been addressed as part of the Future Land Use Plan currently being developed. The Future Land Use Committee reviewed the request and determined that Light Industrial zoning would be appropriate despite the fact that this zoning would create a non-conforming use. The Major Street Plan identifies Cambell Street/South South Dakota Highway 79 as a principal arterial. Staff found the proposed amendment to be consistent with the Rapid City Comprehensive Plan.

STAFF REPORT

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ITEM 19

Staff has mailed certified letters to notify property owners within 150 feet of the proposed rezoning and the required sign has been posted on the property. As of this writing, staff has not received any objections or inquiries regarding this request.

Staff has reviewed this request with respect to the criteria established for Zoning Map Amendments and is recommending approval based upon compliance with the stated criteria.