

STAFF REPORT
October 23, 2008

No. 08RZ037 - Rezoning from No Use District to Light Industrial District **ITEM 34**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	DTH, LLC
REQUEST	No. 08RZ037 - Rezoning from No Use 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 section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning. Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 2650.74 feet, to 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 1325.18 feet, to the north Section 1/16 Corner common to Sections 20 and 21; Thence third course: N89°59'19"E, a distance of 33.10 feet, to the southwesterly corner of Lot 3 of Beard Subdivision; Thence fourth course: S89°56'52"E, along the southerly boundary of said Lot 3 of Beard Subdivision, a distance of 564.86 feet, to the southeasterly corner of said Lot 3 of Beard Subdivision, common to a southerly corner of Lot 2R of Beard Subdivision; Thence fifth course: S89°56'31"E, along the southerly boundary of said Lot 2R of Beard Subdivision, a distance of 727.10 feet, to the southeasterly corner of said Lot 2R of Beard Subdivision; Thence, sixth course: S74°37'29"E, a distance of 1202.78 feet; Thence, seventh course: S31°45'55"E, a distance of 1350.20 feet; Thence, eighth course: S70°52'51"E, a distance of 905.89 feet; Thence, ninth course: S20°31'58"E, a distance of 434.44 feet; Thence tenth course: N89°55'51"E, a distance of 1099.64 feet, to a point on the section line common to Sections 21, and 22; Thence eleventh course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 418.04 feet; Thence, twelfth course: S89°55'51"W, a distance of 450.00 feet; Thence, thirteenth course: S00°07'41"E, a distance of 64.98 feet, to a point on the section 1/16 line; Thence, fourteenth course: N89°57'24"W, along the section 1/16 line a distance of 212.93 feet, to the section

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1/64 line; Thence, fifteenth course: S00°03'47"E, along the section 1/64 line, a distance of 1324.19 feet, to a point on the section line common to Sections 21 and 28, common to a point on the northerly boundary of Lot 2, Block 2 of I-90 Heartland Business Park; Thence, sixteenth course: N89°58'46"W, along the section line common to Sections 21 and 28, common to the northerly boundary of said Lot 2, Block 2, a distance of 63.55 feet, to the southeasterly corner of Lot 6, Block 2 of I-90 Heartland Business Park; Thence, seventeenth course: N55°40'20"W, along the northeasterly boundary of said Lot 6, a distance of 878.48 feet, to a corner on the northerly boundary of said Lot 6; Thence, eighteenth course: N72°39'36"W, along the northerly boundary of said Lot 6, a distance of 162.98 feet, to a corner on the northerly boundary of said Lot 6; Thence nineteenth course: N89°58'06"W, along the northerly boundary of said Lot 6, a distance of 148.07 feet, to the northwesterly corner of said Lot 6, common to the northeasterly corner of Lot 7, Block 2 of I-90 Business Park; Thence twentieth course: N89°58'06"W, along the northerly boundary of said Lot 7, a distance of 221.93 feet, to the northwesterly corner of said Lot 7; Thence twenty-first course: S26°44'43"W, along the westerly boundary of said Lot 7, a distance of 333.04 feet, to the southwest corner of said Lot 7, common to the northwesterly corner of Lot 8, Block 2 of I-90 Heartland Business Park; Thence twenty-second course: S26°44'43"W, along the westerly boundary of said Lot 8, a distance of 275.39 feet, to the southwest corner of said Lot 8, common to the northwesterly corner of Lot 1, Block 7 of I-90 Heartland Business Park, common to the northeasterly corner of Lot 2, Block 7 of I-90 Heartland Business Park, common to a point on the section line common to Sections 21 and 28; Thence twenty-third course: N89°58'00"W, along the northerly boundary of said Lot 2, Block 7, common to the section line common to Sections 21 and 28, a distance of 400.61 feet, to the northwesterly corner of said Lot 2, Block 7, common to the Section ¼ Corner common to Sections 21 and 28; Thence twenty-fourth course: N89°58'52"W, along the section line common to Sections 21 and 28, a distance of 2651.70 feet, to the section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning

PARCEL ACREAGE

Approximately 338.71 acres

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LOCATION	North of U.S. Interstate 90, west of Elk Vale Road and east of Dyess Avenue
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District, General Commercial District (Pennington County) - Limited Agriculture District (Pennington County) -
South:	No Use District - General Agriculture District – Light Industrial District
East:	No Use District - General Agriculture Dist. - Flood Hazard Dist. - Mobile Home Dist. (Planned Residential Development)
West:	General Agriculture District (Pennington County) - Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Light Industrial District be denied without prejudice.

GENERAL COMMENTS: This undeveloped property contains 338.71 acres and is located north of U.S. I-90, west of Elk Vale Road and east of Dyess Avenue. The majority of the property was annexed into the City limits (#08AN008) effective July 29, 2008. A minor portion of the property was annexed into the City limits (#08AN006) effective May 30, 2008. The property is currently zoned No Use District. Land located north of the property is zoned No Use District and Limited Agriculture District and General Commercial District by Pennington County. Land located south of the property is zoned No Use District, General Agriculture District and Light Industrial District. Land located west of the property is zoned Light Industrial District by the City and General Agriculture District by Pennington County. Land located east of the property is zoned General Agriculture District, No Use District, Mobile Home District with a Planned Residential Development, and Flood Hazard District. In addition to this application for a Rezoning from No Use District to Light Industrial District, an associated rezoning application from No Use District to General Agriculture District (#08RZ036) has been submitted for the adjacent property.

On March 3, 2008, the City Council approved a Comprehensive Plan Amendment to change the land use on a portion of the property from Rural Reserve to Light Industrial, with the understanding that the rezoning of the property will not be approved until the Federal Emergency Management Agency has approved the Conditional Letter of Map Revision to

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remove a portion of the property from the flood plain. Staff has received information that the letter is anticipated to arrive prior to the end of the year. The applicant has indicated that until the Letter of Map Revision has been received, he prefers to have the property rezoned General Agriculture as a holding zone. As such, staff recommends that this application be denied without prejudice to allow a new application to be submitted and advertised to change the zoning on this property from No Use District to General Agriculture District.

Staff recommends that the rezoning from No Use District to Light Industrial District be denied without prejudice at the applicant's request.