

STAFF REPORT
July 23, 2009

No. 09RZ028 - Rezoning from No Use District to Heavy Industrial District **ITEM 30**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Jerry and Donna Olson
REQUEST	No. 09RZ028 - Rezoning from No Use District to Heavy Industrial District
EXISTING LEGAL DESCRIPTION	Lots 4 and 5 of HillsvieW Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent and south of Lot 5 of HillsvieW Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.16 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Light Industrial District (Planned Industrial Development)
East:	Low Density Residential District - General Commercial District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/12/2009
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Based on the Future Land Use Committee's recommendation for denial of the related Comprehensive Plan Amendment, Staff recommends that the Rezoning from No Use District to Heavy Industrial District be denied.

GENERAL COMMENTS: This developed property contains approximately 4.16 acres and is located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north of the property is zoned Low Density Residential District. Land located west of the property is zoned No Use District. Land located east of the property is zoned Low Density Residential District and General Commercial District. Land located south of the property, separated by S.D. Highway 44, is zoned Light Industrial District with a Planned

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Industrial Development.

The property was zoned General Commercial by Pennington County prior to annexation. Currently, a concrete manufacturing business is located on the property. The Elk Vale Neighborhood Future Land Use Plan identifies the property as appropriate for General Commercial land uses. Following the annexation of this property, the City submitted a rezoning request from No Use District to General Commercial District, following the adopted Elk Vale Neighborhood Future Land Use Plan. The Council denied the application and indicated that an application should be submitted to Amend the Comprehensive Plan to change the land use from General Commercial to Heavy Industrial with a Planned Industrial Development. A Comprehensive Plan Amendment to change the land use from General Commercial to Heavy Industrial with a Planned Industrial Development (#09CA011) and a Planned Development Designation (#09PD024) have been submitted in conjunction with this application. The Future Land Use Committee has recommended denial of the related Comprehensive Plan Amendment.

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 districts affected or in the City in general.*

The property has been annexed into the City limits (#08AN007) and temporarily placed in a No Use Zoning District. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The Heavy Industrial Zoning District is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. Prior to annexation, the property was zoned General Commercial District by Pennington County. An industrial concrete manufacturing business with outdoor storage is located on the property. Access to the property is from S.D. Highway 44. Low Density Residential Districts are located north and east of the property. Properties used for General Commercial purposes are located east of the property. Light Industrial land use with a Planned Industrial Development is located south of the property, separated by S.D. Highway 44. There are no Heavy Industrial land uses or zoning adjacent to the property. Due to the land uses and zoning of the adjacent properties and the Future Land Use Committee's recommendation for denial of the related Comprehensive Plan Amendment, the rezoning to Heavy Industrial District would not appear to be 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.*

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Access to the property will be from S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The property is located adjacent to General Commercial land uses and Low Density Residential land uses. The property is located within the Rapid Valley Sanitary District. An Initial and Final Planned Industrial Development will be needed for any expansion or change in use on the property. This Planned Industrial Development will help to mitigate any negative impacts on adjacent properties. However, the Future Land Use Committee is concerned about the potential uses that are allowed with Heavy Industrial Zoning District, such as; chemical manufacturing, asphalt refining, quarries, storage for flammable or combustible liquids, and uses which may be obnoxious or offensive by reason of odor, dust, smoke, gas, noise, vibration and the like. These uses are incompatible with the residential uses adjacent to the property. In addition, heavy industrial use is not harmonious or appropriate adjacent to a major corridor into the City.

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 located adjacent to S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for General Commercial land uses. Rezoning the property from No Use District to Heavy Industrial District is not consistent with the adopted Comprehensive Plan. The Future Land Use Committee has recommended denial of the related Comprehensive Plan Amendment. In addition, a Heavy Industrial District is not harmonious or appropriate adjacent to a major corridor into the City.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 23, 2009 Planning Commission meeting if this requirement has not been met. Staff received a few phone calls and comments supporting the previous request for general commercial uses in June 2009. At the time of this writing, staff has not received any calls or comments regarding this request.

Based on the Future Land Use recommendation to deny the related Comprehensive Plan Amendment from General Commercial to Heavy Industrial with a Planned Industrial Development, staff recommends that the rezoning from No Use District to Heavy Industrial District be denied.