

STAFF REPORT
October 5, 2006

No. 06CA032 - Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial with a Planned Light Industrial Development

ITEM 42.

GENERAL INFORMATION:

PETITIONER	Brendan Casey for Epic Media
REQUEST	No. 06CA032 - Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial with a Planned Light Industrial Development
EXISTING LEGAL DESCRIPTION	DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .803 acres
LOCATION	The intersection of Omaha and Third Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	Public services are available to the subject property
DATE OF APPLICATION	9/8/2006
REVIEWED BY	Rodney Proffitt / Emily Fisher

RECOMMENDATION:

Staff recommends that the Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial with a Planned Light Industrial Development be denied.

GENERAL COMMENTS:

The applicant seeks to amend the Comprehensive Plan for the railroad right-of-way from Flood Hazard District to Light Industrial with Planned Light Industrial Development. There is approximately .803 acres located within the subject property area just north of the intersection of Omaha Street and Third Street. The land north, east and west of the subject property is zoned Flood Hazard District. The property located across Omaha Street to the south is zoned as General Commercial District. A portion of the northern end of the subject

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property is located in the 100-year hydraulic floodway. The balance of the subject property is located in the 500-year floodplain.

The applicant has submitted a Planned Light Industrial Development application proposing to erect an LED illuminated advertising sign (06PD072) and submitted a rezoning request for the subject property from Flood Hazard District to Light Industrial (06RZ037). A similar application for the subject property (06CA014) was reviewed earlier this year. That application was withdrawn from Council consideration at the Applicant's request.

The Common Council adopted a Resolution establishing the Rapid Creek Floodplain Policy in June 1993. This policy was updated in 1997 and again September 27, 2000 (see attached). The Floodplain Policy requires the Flood Hazard Zoning District boundaries conform to the boundaries of the 100-year hydraulic floodway.

STAFF REVIEW:

The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The Comprehensive Plan is intended to guide orderly growth. In order for the Plan to remain viable and keep pace with changing market conditions, a process for adjustments and change have been provided.

Staff has reviewed this proposed Comprehensive Plan Amendment for conformance with the six (6) criteria for review of Comprehensive Plan Amendments established in Section 2.60.160(D) of the Rapid City Municipal Code. Staff findings follow:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

The City's Future Land Use Plan sets forth goals for the City, which include objectives and policies for implementing those goals. Goal #7 "ensures the preservation and proper utilization of environmental resources such as soil, water and clean air. The objectives/policies are as follows:

- Prevent development in areas that are environmentally unsuitable for buildings or septic systems, and protect major drainageways, floodplains, steep slopes, or other natural areas from incompatible development, which may result in environmental problems.
- Maintain the Rapid Creek greenway corridor from public use, public safety, and flood protection, and discourage encroachment by incompatible uses in the corridor.

The subject property is located in the North Rapid Neighborhood Area Plan adopted in 1999. This plan identifies the appropriate future land use for the property as Flood Hazard.

An Amendment to the Comprehensive Plan to change the land uses in this area from Floodway to Light Industrial District would allow additional uses adjacent to dedicated

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park/open space and Rapid Creek do not appear to be appropriate. As noted before, the City adopted the Rapid Creek Floodplain Policy in June 1993. Based on that policy, a portion of the property could be designated for uses other than Flood Hazard; however, staff notes that the subject property is railroad right-of-way, which would provide only limited opportunity for development.

2. *Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property.*

Staff is unaware of any changing conditions since the adoption of the North Rapid Neighborhood Future Land Use Plan in 1999 that warrant the proposed amendment to the Comprehensive Plan.

3. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land*

The property north, east and west of the subject property is zoned Flood Hazard District. The property located south, across Omaha Street, from the subject property is zoned General Commercial District. As noted before, the City adopted the Rapid Creek Floodplain Policy in June 1993. Based on that policy, a portion of the property could be designated for uses other than Flood Hazard; however, staff notes that the subject property is railroad right-of-way, which would provide only limited opportunity for development. This is a busy intersection with heavy vehicle traffic. Use of the railroad right-of-way complicates the situation. Utility poles in the area already hinder sightlines in this area so any additional distractions to motorists at this intersection could pose a health and safety hazard incompatible with the present transportation uses being made of the area.

The proposed amendment to change the Future Land Use Plan from Floodway to Light Industrial with a Planned Light Industrial Development is incompatible with surrounding uses.

4. *Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation*

Omaha Street, abutting the subject property on the south, is a Principal Arterial Street designed to serve through and destination traffic. The land to the north, east and west is used as open space greenway and is designated as parkland. The proposed amendment appears to have significant adverse effects on the surrounding properties.

5. *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

The subject property is located in railroad right-of-way adjacent to dedicated parkland. Road and infrastructure improvements are available to the property without further

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development. However, due to the subject property's proximity to the floodway, it does not appear to be appropriate to encourage development in this location. The proposed change would not result in a logical and orderly development pattern.

6. *Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.*

Staff has identified significant adverse effects the Comprehensive Plan Amendment will have on the surrounding area or on the City as enumerated throughout this Report.

As of this writing, Staff has verified the required sign was posted on the property, and the receipts from the certified mailing have been returned. Staff will notify the Planning Commission at its Planning Commission meeting if inquiries or objections regarding the proposed request are received; at this writing, there have not been any.

Staff recommends denial of the request for the amendment to the Comprehensive Plan to change the land use designation for the subject property from Floodway to Light Industrial with a Planned Light Industrial Development.