

STAFF REPORT

June 5, 2008

**No. 08CA018 - Amendment to the Adopted Comprehensive Plan to
revise the Future Land Use Plan from Light Industrial to General
Commercial**

ITEM 23

GENERAL INFORMATION:

APPLICANT/AGENT	Double RF Development Co., LLC
PROPERTY OWNER	Robert K Fischer
REQUEST	No. 08CA018 - Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan from Light Industrial to General Commercial
EXISTING LEGAL DESCRIPTION	A parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.98 acres
LOCATION	At the northwest corner of the intersection of Deadwood Avenue and West Chicago Street
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District - Heavy Industrial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District - Light Industrial District
West:	Heavy Industrial District - Light Industrial District
PUBLIC UTILITIES	City water and sewer

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DATE OF APPLICATION 5/9/2008

REVIEWED BY Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan from Light Industrial to General Commercial be approved.

GENERAL COMMENTS: The applicant has submitted this Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan from Light Industrial to General Commercial. This undeveloped property contains approximately 0.98 acres and is located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street. In addition, the applicant has submitted a Rezoning request (#08RZ016) to change the zoning designation of the property from Light Industrial District to General Commercial District. Land located south and east of the property is zoned General Commercial District and Light Industrial District. Land located north of the property is zoned General Commercial District and Heavy Industrial District. Land located west of the property is zoned Light industrial District and Heavy Industrial District. The adopted Long Range Comprehensive Plan indicates that this property is appropriate for Light Industrial land uses. The Draft Future Land Use Plan for the Deadwood Avenue Neighborhood indicates that this property is appropriate for General Commercial land uses.

On October 21, 1997, the applicant withdrew a Rezoning application (#1643) that was requesting rezoning the property from Light Industrial District to General Commercial District.

On November 15, 1999, City Council approved a Conditional Use Permit (#99UR040) with stipulations to allow a distribution and storage facility in excess of 5,000 square feet for the property. That structure was not constructed and the Conditional Use Permit has since expired.

STAFF REVIEW: The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

Staff has reviewed this proposed comprehensive plan amendment for conformance with the six criteria for review of comprehensive plan amendments established in Section 2.60.160(D). A summary of Staff findings are outlined below:

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

One of the goals of any Future Land Use Plan is to encourage compact and contiguous

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growth along the City's fringe that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. Full utilization of properties currently served by infrastructure is encouraged. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future. This change is consistent with the intent of the City's Comprehensive Plan goal to encourage the orderly extension of growth.

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

Staff is unaware of any changed or changing conditions of this area.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. The property in question is adjacent to existing general commercial development that transitions to various types of industrial uses. The property's location is in a relatively close proximity to a principal arterial street and appears to support the proposed General Commercial zoning. The proposed amendment to change the land use from Light Industrial to General Commercial appears to be compatible with the uses adjacent to the property.

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

Deadwood Avenue is located east of the property and is classified as a principal arterial street on the City's Major Street Plan. In addition, the Draft Future Land Use Plan for the Deadwood Avenue Neighborhood identifies Sheridan Lake Road as a proposed minor arterial street which will extend through the property. Allowing commercial use(s) along an arterial street is in compliance with the Major Street Plan. Infrastructure has been constructed to serve the proposed industrial development. As such, the proposed amendment does not appear to have a significant adverse effect on the surrounding properties.

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

The Draft Future Land Use Plan for the Deadwood Avenue Neighborhood indicates that this property is appropriate for General Commercial land uses. The General Commercial District appears to be 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.*

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Infrastructure has been constructed to serve the proposed commercial development. In addition, commercial development is established in the area. Staff has not identified any adverse effects that the Comprehensive Plan Amendment will have on the surrounding area or on the City.

Legal Notification: To date, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify Planning Commission at the June 5, 2008 meeting if the legal notification requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial be approved.