

STAFF REPORT
July 23, 2009

No. 09CA011 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial with a Planned Industrial Development

ITEM 29

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Jerry and Donna Olson
REQUEST	No. 09CA011 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial with a Planned Industrial Development
EXISTING LEGAL DESCRIPTION	Lots 4 and 5 of Hillsvie Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent and south of Lot 5 of Hillsvie 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: The Future Land Use Committee recommends that the Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial with a Planned Industrial Development 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

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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 Industrial Development.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land uses. On June 1, 2009, the City Council denied an application to rezone the property from No Use District to General Commercial District and indicated an application should be submitted to rezone the property from No Use District to Heavy Industrial District in conjunction with a Comprehensive Plan Amendment to change the land use from General Commercial to Heavy Industrial with a Planned Industrial Development. Applications to rezone the property from No Use District to Heavy Industrial District (#09RZ028) and a Planned Development Designation (#09PD024) have been submitted in conjunction with this application. The Future Land Use Committee reviewed this application again and toured the site on July 2, 2009. The Future Land Use Committee has recommended that the request be denied as heavy industrial development adjacent to residential neighborhoods and along a major corridor into the City is not appropriate.

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.

The Future Land Use Committee 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 the Future Land Use Committee's findings are outlined below:

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

A goal of any Future Land Use Plan is to maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods. The objective is to protect stable neighborhoods, prevent encroachment by incompatible industrial and commercial uses and maintain suitable buffers between low density residential areas and more intensive nonresidential uses. The Future Land Use Committee indicated that this property was located adjacent to a residentially developed area and is located along a major corridor into Rapid City. In addition, heavy industrial land uses are not located in the area. As such, the Future Land Use Committee indicated that the proposed change to heavy industrial land uses does not meet the overall intent of the comprehensive plan and is not appropriate.

2. *Whether the proposed change is warranted by changed conditions within the*

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neighborhood surrounding and including the subject property.

The Elk Vale Neighborhood Future Land Use Plan identifies the property as appropriate for General Commercial land uses. The property was zoned General Commercial District by Pennington County prior to annexation. 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 change the land use from General Commercial to Heavy Industrial with a Planned Industrial Development. In addition to this Comprehensive Plan Amendment, the City has submitted a rezoning request from No Use District to Heavy Industrial District (#09RZ028) and a Planned Development Designation (#09PD024) has been submitted by the property owner. The Future Land Use Committee identified no changes that warrant the proposed industrial land use.

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

This property is located adjacent to an area that supports residential and commercial land uses. Land located east and north of the property is zoned Low Density Residential District. Land located east of the property is also zoned General Commercial District. Land located south of the property (separated by Highway 44, a principal arterial street) is zoned Light Industrial District with a Planned Industrial Development. The property is not located adjacent or near other property zoned Heavy Industrial 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 uses, 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. Whether and the extent to which the proposed amendment would adversely affect the environment, services, facilities, and transportation.*

A concrete manufacturing business is located on the property. The property is located within the Rapid Valley Sanitary District. S.D. Highway 44, a principal arterial street, is located adjacent and south of the property. The potential heavy industrial uses on the property that could include noise, odor, or pollution, would have a negative impact on the adjacent residential neighborhood and the surrounding area.

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

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The proposed amendment to allow Industrial land uses on this property will not provide the aesthetic appeal along a major corridor into our City. In addition, the potential heavy industrial uses will have a negative effect on the adjacent residential neighborhood. The Future Land Use Committee found that the proposed change will 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.*

The applicant has submitted a Planned Development Designation for the property. Before the property can be expanded or a building permit requested, an Initial and Final Industrial Development Plan must be submitted for review and approval. This will help to mitigate potential hazards that may be identified with the heavy industrial uses. However, the Future Land Use Committee has identified that heavy industrial land uses, with the potential for noise, odor and pollution, adjacent to a residential area and along a major corridor into the City, could potentially have significant adverse effects on the surrounding area and on 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 these requirements have 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.

The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial with a Planned Industrial Development be denied.