

STAFF REPORT
September 24, 2009

No. 09RZ036 - Rezoning from General Commercial District to Light Industrial District **ITEM 10**

GENERAL INFORMATION:

APPLICANT/AGENT	Glen A. Elshire
PROPERTY OWNER	Glen Elshire
REQUEST	No. 09RZ036 - Rezoning from General Commercial District to Light Industrial District
EXISTING LEGAL DESCRIPTION	Lot A of Blocks 3 and 4 of Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.14 acres
LOCATION	2507 East St. Patrick Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District - General Commercial District
South:	No Use District
East:	No Use District
West:	General Commercial District (Planned Commercial District)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	8/28/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Based on the Future Land Use Committee's recommendation on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from General Commercial District to Light Industrial District be denied.

GENERAL COMMENTS: This developed property contains approximately 3.14 acres and is located at 2507 East St. Patrick Street. The property was annexed into the City limits in June 1985 and was subsequently zoned General Commercial District. Land located north of the property is zoned General Commercial District and Light Industrial District. Land located south and east of the property is zoned No Use District. Land located west of the property is zoned General Commercial District with a Planned Commercial Development. Commercial structures are located on the property.

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The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use with a Planned Commercial Development. An application for a Planned Development Designation (09PD042) and a Comprehensive Plan Amendment to change the land use from General Commercial with a Planned Commercial Development to Light Industrial land use with a Planned Industrial Development (09CA018) have been submitted in conjunction with this Rezoning application.

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.*

Staff has not identified any changing condition that requires rezoning the property.

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

The Light Industrial Zoning District is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution in which operations are conducted so that noise, odor, dust and glare are completely confined within an enclosed building. Commercial structures are currently located on the property. The property is located along a major corridor into Rapid City. A church is located west of the property and a residentially developed area is located east of the property. A new single family residential development has recently been constructed a block south of the property. The properties south and east are zoned No Use District; however, the Southeast Connector Future Land Use Plan indicates that Low Density Residential land uses are appropriate for these adjacent properties. Due to the land uses of the adjacent properties, the rezoning 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.*

Access to the property is from E. St. Patrick Street. Water and sewer are provided by Rapid Valley Sanitary District. The commercial and light industrial uses to the north of the property are separated by E. St. Patrick Street, a principal arterial street on the City's Major Street Plan. Residential uses are located adjacent to the property to the east and a block to the south. The Light Industrial Zoning District allows building material sales yards, concrete batch plants, tire recapping, auction houses, carwashes, towing companies, manufacturing and retail of firearms and ammunition, and crematoriums. These uses are not compatible with residential uses adjacent to the property. Rezoning this property for industrial use will have significant adverse impacts on the adjacent residential properties.

4. *The proposed amendments shall be consistent with and not conflict with the Development*

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Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land use with a Planned Commercial Development. The Future Land Use Committee reviewed the Comprehensive Plan Amendment to change the land use from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development (#09CA018) and found that the proposed change will have a negative effect on the adjacent residential neighborhood. Rezoning the subject property from General Commercial District to Light Industrial District is not consistent with the adopted Comprehensive Plan.

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 September 24, 2009 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the rezoning from General Commercial District to Light Industrial District be denied.