

STAFF REPORT
September 24, 2009

No. 09CA018 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development

ITEM 9

GENERAL INFORMATION:

APPLICANT/AGENT	Glen A. Elshire
PROPERTY OWNER	Glen Elshire
REQUEST	No. 09CA018 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development
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	Patsy Horton / Mary Bosworth

RECOMMENDATION: Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development be denied.

GENERAL COMMENTS: This developed property contains approximately 3.14 acres and is located east of Sedivy Lane and south of Saint Patrick Street. The property was annexed into the City limits in June 1985 and subsequently zoned General Commercial District. Land

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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.

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 Rezone from General Commercial District to Light Industrial District (09RZ036) have been submitted in conjunction with this Comprehensive Plan Amendment application.

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 would have a negative impact on the adjacent residential neighborhood. As such, the Future Land Use Committee indicated that the proposed change to light 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 neighborhood surrounding and including the subject property.*

The Southeast Connector Neighborhood Future Land Use Plan identifies the property as appropriate for General Commercial land uses. The property was zoned General Commercial District subsequent to the annexation into the Rapid City corporate limits in 1985. However, the Future Land Use Committee identified no changes that warrant the

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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 near areas that support residential and commercial land uses. Land located east of the property is zoned No Use District and was previously zoned Suburban Residential District in Pennington County prior to the recent annexation. Land located south of the property is zoned No Use District and was previously zoned General Commercial District in Pennington County prior to the recent annexation. The property to the west is zoned General Commercial District with a Planned Commercial Development. The property to the north is zoned both General Commercial District and Light 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 some of the negative impacts on adjacent properties. However, the Future Land Use Committee is concerned about the negative impacts on the newly constructed single family homes located just one block south of the property with the potential uses that are allowed with light industrial uses. Light industrial uses include manufacturing and processing, manufacturing and retail of firearms and ammunition, towing companies, and outdoor storage of combustible liquids. These uses are incompatible with the residential uses adjacent to the property.

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

The property is being used for U-Haul truck and trailer rental. The property is located within the Rapid Valley Sanitary District. Saint Patrick Street, a principal arterial street, is located adjacent and north of the property. Sedivy Lane, a local street adjacent and east of the property, provides access to the church property to the west, the landscaping firm located south of the property, and access to numerous residential sites south of the property. The Future Land Use Committee found that potential light 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.*

The Future Land Use Committee found that the potential light industrial uses will have a negative effect on the adjacent residential neighborhood. Although there are industrial uses north of Saint Patrick Street, the street provides a buffer between the industrial uses and the existing residential uses. The proposed amendment to allow industrial land uses on this property will negative impact the new and existing single family homes located adjacent and in close proximity with the potential uses that are permitted with light industrial uses. The Future Land Use Committee found that the proposed change will not result in a logical and

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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 and negative impacts that may result from the location of light industrial uses in such close proximity to residential dwelling units. Although there are industrial uses north of Saint Patrick Street, the street provides a buffer between the industrial uses and the existing residential uses. The Future Land Use Committee has identified that light industrial land uses, with the potential for noise, odor and pollution, adjacent to a residential area and along a major corridor through the City, could potentially have significant adverse effects on the surrounding area, the adjacent residential uses, 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 September 24, 2009 Planning Commission meeting if these requirements have not been met. 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 with a Planned Commercial Development to Light Industrial with a Planned Industrial Development be denied.