



Rapid City Planning Commission

Rezoning Project Report

February 4, 2016

Applicant Request(s)
Case # 15RZ023; a request to rezone property from General Agriculture District to Heavy Industrial District
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the request to rezone property from General Agriculture District to Heavy Industrial District be denied.

Project Summary Brief

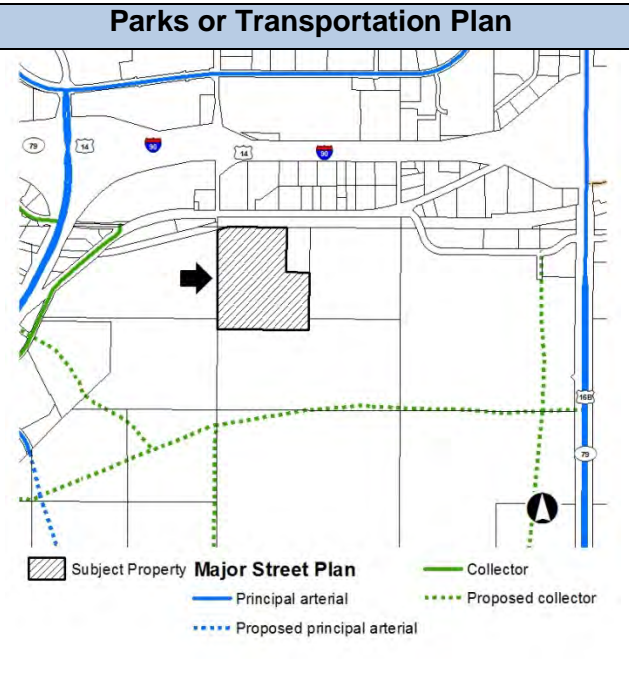
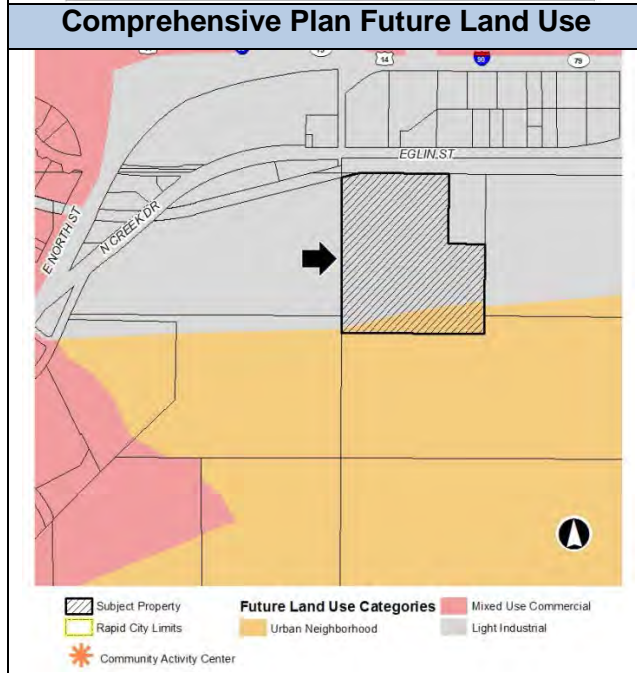
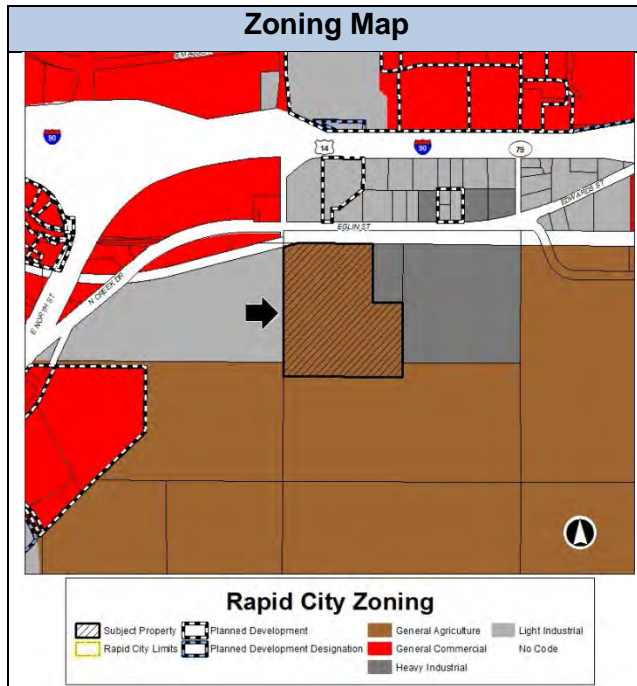
Update February 4, 2016. All revised/additional text is included in bold. The applicant has submitted a request to rezone approximately 40.2 acres of property from General Agriculture District to Heavy Industrial District. **At the January 7, 2016 meeting, the Planning Commission requested additional information including a conceptual master plan and how the existing site will be improved upon the relocation of uses to the subject property. On January 21, 2016 the applicant submitted a conceptual plan showing the approximate location of the proposed recycling business comprising of approximately 6.4 acres of the 40.2 acres proposed for rezoning, and a proposed rail spur accessing the site. No details regarding the design of the proposed site or reclamation of the existing site have been provided. In addition, conceptual design and uses for the remaining 33.8 acres of the site have not been provided.**

Applicant Information	Development Review Team Contacts
Applicant: Johnson Bar Five Ranch, Inc.	Planner: Robert Laroco
Property Owner: Johnson Bar Five Ranch, Inc.	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Janet Kaiser
Surveyor: Renner and Associates, LLC	Water/Sewer: Nicole Lecy
Other:	DOT: Stacy Bartlett

Subject Property Information	
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Address/Location	South of Eglin Street, between Dyess Avenue and Lowery Lane
Neighborhood	Elk Vale Road Neighborhood
Subdivision	Section 33, T2N, R8E
Land Area	40.189 acres, approximately 1,750,241 sq ft
Existing Buildings	None
Topography	Hilly
Access	Eglin Street
Water Provider	Rapid City water
Sewer Provider	Rapid City sewer
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GA	LI	No structural development
Adjacent North	LI	LI	Ministorage Units, Salvage business
Adjacent South	GA	UN	No structural development
Adjacent East	HI	LI, UN	Gas/petroleum storage
Adjacent West	GA	LI	No structural development



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
Heavy Industrial District	Required	Proposed	
Lot Area	Minimum 1 acres	40.189 acres	
Lot Frontage	No minimum required	Approximately 1,000 ft	
Maximum Building Heights	4 stories, 45 feet	N/A	
Maximum Density	Structures, parking, and loading < 80%	N/A	
Minimum Building Setback:			
• Front	35 ft.	N/A	
• Rear	25 ft (50 ft to a residential district)	N/A	
• Side	25 ft (75 ft to a residential district)	N/A	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	Per RCMC	N/A	
• # of landscape islands	Per RCMC	N/A	
Minimum Parking Requirements:			
• # of parking spaces	Per RCMC	N/A	
• # of ADA spaces	Per RCMC	N/A	
Signage	Per RCMC	N/A	
Fencing	Per RCMC	N/A	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.040.D of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to Rezone:	
Criteria	Findings
1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the city generally.	The property is currently zoned General Agriculture District and is served by Rapid City water and sewer. There are no changing conditions in the area which necessitate the requested rezone. Property located on Eglin Street west of the proposed rezone is developing as a part of Rushmore Crossing. Property at the intersection of Elk Vale Road and Eglin Street located east of the property continues to expand with a variety of commercial uses as a part of the Elk Vale Road commercial gateway and entrance corridor. Eglin Street continues to develop as a commercial corridor linking eastern areas of Rapid City to Rushmore Crossing, the primary commercial development in the community. The transition of this area from industrial use to commercial uses as well as the increasing use of Eglin Street as a commercial arterial street demonstrate changing conditions in the area which do not support the requested rezone.
2. The proposed amendments shall be consistent with the intent and purposes of this title.	The intent of the Zoning Ordinance is to ensure safe, orderly, development of land in compliance with the Comprehensive Plan for the City. The applicant has indicated that the property could be used for a variety of

Heavy Industrial uses, including a railroad freight terminal, railroad repair shop, junk/waste processing, materials, machinery, automobile, and equipment salvage, and acetylene gas manufacturing and storage. One objective of the Comprehensive Plan and the Zoning Ordinance is to secure the integrity of gateways and corridors to ensure order, efficiency, and aesthetic value in compliance with the Comprehensive Plan. The City's adopted Comprehensive Plan shows that the appropriate use of this property is light industrial. Based on the uses identified by the applicant it appears that the proposed uses will have significant adverse impact within these corridors. Eglin Street is identified as a Minor Arterial Street on the City's Major Street Plan, serving as a primary means of access between residential development located east of Elk Vale Road and the Rushmore Crossing commercial development. The anticipated heavy truck traffic associated with the applicant's identified uses will have an adverse impact on the traffic utilizing this corridor. In addition, the property is located within the view shed of Interstate 90. The uses identified by the applicant will have an adverse impact on the aesthetic value of the corridor, and the eastern Interstate 90 Gateway into the community. The requested rezone does not comply with the goals and objectives of the Comprehensive Plan. The requested rezone is not in compliance with the intent and purpose of the Zoning Ordinance.

At the January 7, 2016 meeting, the Planning Commission requested additional information, including a conceptual master plan for the site and how the existing site will be improved upon transition of uses to the subject property. On January 21, 2016, the applicant submitted a conceptual master plan for the use of the property. Submitted Plans show an approximate 6.4 acre site on the property being used for the new location of Ace Steel & Recycling. The site is accessed via a proposed rail spur from the north side of the property. The submitted master plan does not show future development on the balance of the site, approximately 33.8 acres. Staff does not support rezoning the property as proposed. Based on the list of proposed uses, as well as the permitted uses within the Heavy Industrial District, future uses requiring no additional review could include:



- Acetylene gas manufacture and storage
- Rail yard/freight terminal and rail repair shop
- Manufacturing of ammonia, bleaching powder, chlorine, asphalt, brick, tile, terra cotta, chemicals, concrete/cement, paints, oils, shellac, turpentine, varnish, enamel, plastics, soaps, and tars
- Boiler works




	<ul style="list-style-type: none"> • Iron, steel, copper, brass foundries • Quarries or stone mills • Power plants • Rolling mills • Storage of flammable or combustible liquids and gasses. <p>In addition, Chapter 17.24.020 of the Rapid City Municipal Code states that the Heavy Industrial District is the appropriate district for, "...those uses which may be obnoxious or offensive by reason of emission of odor, dust, gas, noise, vibration and the like, and not allowed in any other district..."</p> <p>Based on the character of the surrounding area and anticipated development of the Interstate 90 corridor and Eglin Street, it does not appear that the uses permitted in the Heavy Industrial District are appropriate for this property. Without additional information, staff cannot determine if the impacts of heavy industrial development will be sufficiently mitigated. Based on the applicant's intended uses, the requested rezone is not consistent with the purpose and intent of the Zoning Ordinance.</p>
<p>3. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.</p>	<p>The subject property is located south of Interstate 90, an identified entrance corridor to the City. The nature of the high intensity, high-impact uses identified by the applicant are in conflict with the nature and types of uses desired along an entrance corridor and in an area designated for light industrial uses. The expected noise, dust, odor, traffic, air and water pollution typical of the heavy industrial uses identified by the applicant are not appropriate within a gateway corridor and will have a direct adverse impact on the surrounding neighborhood. The property is not the appropriate location for heavy industrial uses.</p>
<p>4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan and others.</p>	<p>The adopted Comprehensive Plan states that the primary areas of heavy industrial use in the City are located, "southeast of the downtown, adjacent to Old Folsom Road and the rail corridor. While pockets of heavy industry exist in other parts of Rapid City, the transition of these sites to less impactful uses over time is desirable. New industry should be concentrated in the above noted locations and as specified in the Future Land Use Map."</p> <p>The Future Land Use identifies this property as appropriate for light industrial uses, with areas of Urban Neighborhood and Employment Campus located adjacent to the south. The noise, smoke, odor, air and water pollution typical of heavy industrial uses are not compatible with the types of uses desired within urban neighborhoods and employment campuses. The property is not appropriate for heavy industrial uses. While property in the area is developed with some heavy industrial uses, the Comprehensive Plan</p>

	<p>notes that these uses should not be encouraged or expanded and over time should be eliminated.</p> <p>Public Works staff has noted that a rezone of this property from General Agriculture District to Heavy Industrial District is not a guarantee that adequate public infrastructure is available to support any future heavy industrial uses. Staff has noted that there is no public sewer main adjacent to the property.</p> <p>Transportation Planning has noted that Eglin Street is an identified Minor Arterial Street on the City's Major Street Plan, intended to accommodate high volumes of traffic. The anticipated high volumes of heavy truck traffic turning into and out of the site could have a negative impact on the traffic moving through the area via Eglin Street.</p> <p>The requested rezone is not consistent with the development plans for the City.</p>
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Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters	
 A Balanced Pattern of Growth	
BPG-3.1A	<p><u>Balanced Uses:</u> In order to promote a healthy balance of uses across the City, heavy industrial development in the City should be directed toward areas in the southeastern portions of the City, in an established neighborhood already zoned Heavy Industrial District. The expansion of other existing areas for heavy industrial development should be discouraged and existing heavy industrial uses located outside the targeted areas should be gradually phased out. The requested rezone does not support the identified objective of providing a balance of uses across the City.</p>
 A Vibrant, Livable Community	
LC-1.3A	<p><u>Gateway and Entrance Corridor Standards:</u> Interstate 90 is an identified entrance corridor of the City, intended to be developed with coordinated standards for development including signage, landscaping, screening, buffering, and conservation of views and natural features in order to provide a unified, positive, and welcoming vision of the City. The expansion of heavy industrial uses in this area does not promote a positive image of the City and is in conflict with the objective of protecting the view sheds and natural features of the community.</p>
LC-3.1C	<p><u>Compatible Infill and Redevelopment:</u> The requested rezone does not support infill development which is compatible with the development plans for this area. The rezone of this property to Heavy Industrial District could have negative impacts on the desired development of light industrial, urban neighborhoods, and employment areas in the immediate proximity to this property.</p>

		A Safe, Healthy, Inclusive, and Skilled Community
N/A	N/A	
		
Efficient Transportation and Infrastructure Systems		
TI-3.1E	<u>Land Use Compatibility:</u> As previously noted, the Rapid City Comprehensive Plan identifies areas located southeast of the downtown and adjacent to Old Folsom Road as the appropriate location for heavy industrial uses. Development of freight operations like those identified by the applicant should be encouraged within existing heavy industrial land use designations with available infrastructure to accommodate high freight activities. The property is not within an existing heavy industrial land use designation. In addition, there are other properties located within existing Heavy Industrial Districts and land use designations which provide similar amenities without the negative impact to the community. The requested rezone does not comply with the identified objective of land use compatibility.	
TI-3.1G	<u>Impact Mitigation:</u> The requested rezone will result in an increase in negative freight-generated impacts, such as noise, odor, and traffic generated on nearby streets.	
		
Economic Stability and Growth		
EC-1.3C	<u>Balancing New and Existing Businesses:</u> Efforts must be made to ensure that the attraction of new businesses to the City does not negatively impact existing businesses. The potential impacts of the uses identified by the applicant will have a negative impact on existing businesses in the area and could impact future development in the vicinity. The requested rezone does not maintain a balance between new and existing businesses.	
		
Outstanding Recreational and Cultural Opportunities		
N/A	N/A	
		
Responsive, Accessible, and Effective Governance		
GOV-2.1A	<u>Public Input Opportunities:</u> The requested rezone requires notification of surrounding property owners and posting of a sign on the property. These notification requirements allow public input into the request. As of this writing, there have been a number of inquiries into the requested rezone. Neighboring property owners have indicated both opposition and support for the request.	

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Light Industrial
Design Standards:	
GDP-EA	The Light Industrial land use designation as defined by the City's adopted Future Land Use Plan identifies the following general design principles: <ul style="list-style-type: none"> • Reduce the visual scale of large buildings and developments with architectural features such as height variations, building articulation, architectural details, and breaking up the mass of buildings. • Promote compatibility between light industrial uses and employment area

	<p>uses through mitigation of negative impacts such as noise, odor, dust, lighting, air and water pollution with architectural features and buffering.</p> <ul style="list-style-type: none"> • Conceal loading and unloading areas and parking through architectural design, screening and buffering. • Encourage coordinated signage. • Encourage pedestrian and bicycle connections to adjacent uses. • Encourage the integration of outdoor gathering spaces <p>Based on the proposed uses of the property, it does not appear that a rezone of the property from General Agriculture District to Heavy Industrial District will result in a design or use of the property which meets any of the stated objectives for development within the Light Industrial District. For that reason, the Heavy Industrial District is not considered an appropriate zoning district for property identified for light industrial development. The requested rezoning does not comply with the Growth and Reinvestment standards of the Rapid City Comprehensive Plan.</p>
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Elk Vale Road Neighborhood
Neighborhood Goal/Policy:	
N/A	N/A

The Development Review Team Recommends that the request to rezone the property from General Agriculture District to Heavy Industrial District be denied for the following reasons:	
•	The applicant has indicated that a variety of heavy industrial uses, including a freight terminal, railroad shop, junk/automobile/equipment processing and salvage, acetylene gas manufacture and storage, and waste processing are being considered on the property.
•	Freight operations should be limited to existing heavy industrial areas and should be designed to minimize the impact of noise, odor, dust, smoke, air and water pollution. The high-intensity, high-impact uses proposed for the property include freight operations.
•	The Future Land Use Plan identifies the property as appropriate for light industrial uses with areas of urban neighborhood and employment campus located in close proximity. The uses identified by the applicant are not compatible with the light industrial uses intended for the area.
•	The Heavy Industrial District is not considered an appropriate zoning district for property designated for light industrial uses.
•	The requested rezone is not compatible with the established design criteria for property designated for light industrial development.
•	The Rapid City Comprehensive Plan notes that heavy industrial development should be encouraged in the southeastern sections of the City, in existing and well-established heavy industrial parks. While areas of heavy industrial development are located in other areas of the City, expansion of those areas should be discouraged and eventually phased out.
•	Potential impacts of heavy industrial development on the property are not being mitigated in an effort to minimize adverse impacts on the surrounding businesses, Interstate 90, or areas designated for urban neighborhood and employment campus located in close proximity to the subject property.
•	The requested rezone is inconsistent with the development plans for the City, is not in compliance with the intent of the Zoning Ordinance, and will have an adverse impact on the community overall.

•	Additional materials submitted by the applicant show the approximate location of one of the identified uses on the property. Uses on the balance of the property have not been identified. The bulk of the requested rezone is speculative in nature and may result in obnoxious or hazardous uses located within a high-traffic, high-use corridor.
•	A conceptual master plan is insufficient information to determine if the Heavy Industrials District is appropriate for this location. The additional materials submitted by the applicant do not identify the number, location, or size of structures for the proposed recycling center. Parking, landscaping, and grading may all be utilized by the applicant to mitigate impacts of the use but have not been provided. General information on utility capacity, stormwater drainage, erosion and sediment control, reclamation measures, and grading may have significant impact on the development of the site but have not been provided. The Heavy Industrial District is intended to provide a location for the most intrusive and intensive uses allowed in the City. Without additional information, staff cannot determine what impacts the proposed Heavy Industrial zoning will have on the future development of the neighborhood, on the City, or on the public welfare. As such, staff cannot support the requested rezone.

Staff recommends that the request to rezone property from General Agriculture District to Heavy Industrial District be denied.