

STAFF REPORT
March 23, 2006

No. 06CA005 - Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial

ITEM 29

GENERAL INFORMATION:

PETITIONER	Marbro, LLC
REQUEST	No. 06CA005 - Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial
EXISTING LEGAL DESCRIPTION	The east 165 feet of Tract D of the NW1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.6 acres
LOCATION	1015 E. St. Patrick Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	2/24/2006
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Heavy Industrial be denied.

GENERAL COMMENTS: This request is an application to amend the Comprehensive Future Land Use Plan from General Commercial to Heavy Industrial. The existing property is legally described as the east 165 feet of Tract D of the NW1/4 NE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. The property is more generally described as being located at 1015 E. St. Patrick Street. The property is currently zoned General Commercial Zoning District. A slaughter house and packaging facility currently occupies the property. Properties located north and south of the subject property are zoned General Commercial and Medium Density Residential District. Properties located east and west of the subject property are zoned General Commercial. Properties located around the proposed property are currently used as a bank, gas station, Mobile Home Park, single

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family residences, retail stores and recreational facilities. The zoning property was zoned General Commercial zoning district on May 15, 1968. The processing facility was established prior to 1951.

The Rapid City Municipal Code shows that the slaughtering of animals is not a permitted nor is it a conditional use in the General Commercial zoned district. A slaughter house is only allowed as a conditional use in Heavy Industrial zoned districts. For that reason the applicant is requesting a change to the land use designation of the property. This would facilitate the rezoning of the property and allow the expansion of the existing use. However, it should be noted that in reviewing the requested Comprehensive Plan Amendment staff is required to look at the full range of uses that could be allowed on the site if the property is designated for as appropriate for Heavy Industrial land use.

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.*

The applicant is proposing to amend the Comprehensive Plan to change the existing designation from General Commercial to Heavy Industry. The change from General Commercial to Heavy Industry is not consistent with the overall intent of the Comprehensive Future Long Range Plan for the area. The change in the Future Land use designation would establish spot zoning. The uses allowed in the Heavy Industrial land use include manufacturing, assembling, fabricating and warehousing. These uses can negatively impact the adjacent General Commercial; and Residential land uses. The Comprehensive Plan allows General Commercial uses for personnel and business services and the general retail business of the city. Adjacent areas are designated as appropriate Medium Density Residential district uses. Heavy Industry uses are not compatible with existing business services and residential land uses located in the area.

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

The subject property is located within an area that is identified as General Commercial, and Medium Density Residential. The area has seen growth in the retail services, business services, recreational and residential uses. The changes to the surrounding neighborhood

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do not warrant the change to the Comprehensive Plan from General Commercial to Heavy Industrial.

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

The change from General Commercial zoning to Heavy Industrial zoning is not compatible with the existing surrounding properties. The surrounding properties are zoned for Commercial uses associated with a residential neighborhood. To change the designation to Heavy Industrial would facilitate the expansion of the business on the site. Staff has received complaints from area residents and property owners regarding the heavy truck traffic delivering animals to the property, air quality issues associated with the trucks accessing the site and the keeping of livestock on the property. The current facility is not large enough to hold the keeping of livestock on the property. Recently staff has been made aware of complaints relative to that the live animals are kept in semi-trailers both on site and off site to await the slaughtering process. The keeping of livestock within a General Commercial and Residential area is not a use compatible with the surrounding zoning.

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

The applicant is proposing to keep live buffalo on the property to be slaughtered, the meat processed and sold. The keeping and slaughtering of buffalo appears to having adverse effects on the surrounding properties based on the comments from area residents. Concerns have been expressed with odors caused by the keeping of the animals and the infestation of flies associated with the animals. Staff has received a number of letters and phone calls complaining about the odors and the flies that are currently associated with the operation on a smaller scale. To allow the increase in animals will only increase the odor and flies in the area and increase the heavy truck traffic in the area.

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

The subject property is located in an area that is zoned General Commercial and Medium Density Residential. The proposed amendment would change the future land use designation on the subject property from General Commercial uses to Heavy Industrial uses. Properties adjacent to E. St. Patrick Street located east and west of the subject property are zoned General Commercial. Properties located north and south of the subject property are zoned General Commercial and Medium Density Residential districts and have long been established as residential neighborhoods. The introduction of a Heavy Industrial zoning district into the current General Commercial and Residential zoning is not a logical or an orderly development pattern for the already established area and would result in spot zoning.

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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.*

Staff has identified that identifying this area as appropriate for Heavy Industrial land uses would have a significant adverse effect on the surrounding area. The use of the land as Heavy Industrial has the potential to bring in other uses that may be dangerous to the established area. The creation of odors, disease, noise, dust/air pollution and the increase in the traffic flow will adversely affect the area.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 23, 2006 Planning Commission meeting if this requirement has not been met. To date staff has received eleven phone calls and three letters from residence in the neighborhood objecting to this amendment.

Staff recommends that the Amendment to the Comprehensive Plan to change the land use from General Commercial to Heavy Industrial be denied.