

STAFF REPORT  
June 22, 2006

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**No. 06CA014 - Amendment to the Comprehensive Plan by revising the Long Range Comprehensive Plan to change the land use designation from Floodway to Light Industrial**

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**ITEM 28**

GENERAL INFORMATION:

PETITIONER	Tim Carlson for DM&E Railroad Corp.
REQUEST	<b>No. 06CA014 - Amendment to the Comprehensive Plan by revising the Long Range Comprehensive Plan to change the land use designation from Floodway to Light Industrial</b>
EXISTING LEGAL DESCRIPTION	DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .803 Acres
LOCATION	At the intersection of Third Street and Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	5/12/2006
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION: Staff recommends that the Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial be **denied**.

GENERAL COMMENTS: (Update June 12, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 8, 2006 Planning Commission meeting to allow the application to be heard in conjunction with the rezoning application for the subject property.

This railroad right-of-way contains approximately .803 acres and is located at the intersection of Third Street and Omaha Street. Land located north, east and west of the subject property is zoned Flood Hazard District. Land located south of the property is zoned General Commercial District. In addition to this Amendment to the Comprehensive Plan application, the applicant has submitted an application to Rezone the subject property from

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Flood Hazard District to Light Industrial District (06RZ014).

STAFF REVIEW: The applicant has indicated that future plans are to construct two signal boxes within the railroad right-of-way. Under the current Flood Hazard Zoning District regulation, signal boxes are permitted as a Conditional Use. The property does not need to be rezoned or the Comprehensive Plan amended to allow the construction of signal boxes. The applicant will need to submit an application for a Conditional Use Permit or a SDCL 11-6-19 Review.

The subject property is located adjacent to Floodway and General Commercial land uses. A change in zoning from Flood Hazard to Light Industrial at this location would be spot zoning. An Amendment to the Comprehensive Plan to change the land uses in this area from Floodway to Light Industrial District would allow additional uses adjacent to dedicated park land and Rapid Creek that are inappropriate. Further the rezoning could allow additional billboards in inappropriate locations.

The applicant is aware that Staff does not support the application to rezone the subject property from Flood Hazard to Light Industrial Zoning District as it is not necessary to accomplish the property owners stated intent, the rezoning constitutes spot zoning and offers the opportunity for inappropriate uses to be introduced in close proximity to Rapid Creek, dedicated park land and Omaha Street, a major arterial in the community. In addition, Staff is not supporting the Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial.

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.*

One of the goals of any Future Land Use Plan is to encourage compact and contiguous growth along the City's fringe that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. In-fill development and full utilization of properties currently served by infrastructure are encouraged. The property owner has indicated that future plans are to construct two signal boxes within the railroad right-of-way. Applications for a SDCL 11-6-19 Review or a Conditional Use Permit must be submitted prior to construction of the signal boxes. Rezoning the property is not necessary to accomplish the property owners stated intent.

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

The subject property is currently a railroad right-of-way. The property owner has indicated that future plans are to construct two signal boxes within the railroad right-of-way. A SDCL 11-6-19 Review or a Conditional Use Permit must be submitted prior to construction of the signal boxes. Rezoning the property is not necessary to accomplish the property owners stated intent.

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

The property is currently zoned Flood Hazard District. The property located north, east and west of the subject property is zoned Flood Hazard District. The property located south of the subject property is zoned General Commercial District. The Comprehensive Plan indicates that the subject property is appropriate for Floodway land uses. The applicant has indicated that the subject property may be developed in the future by adding signal boxes in the railroad right-of-way. A SDCL 11-6-19 Review or Conditional Use Permit must be submitted prior to construction of any structure within the railroad right-of-way. The subject property is surrounded by parkland and Rapid Creek. The proposed amendment is not compatible with existing and proposed uses surrounding the subject property.

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

The subject property is located adjacent to and has access to Omaha Street. The surrounding land uses are Floodway. Rezoning this property to Light Industrial District would allow additional uses adjacent to dedicated parkland and Rapid Creek that are inappropriate. Further, the rezoning could allow additional billboards in inappropriate locations. A change in land use from Floodway to Light Industrial would allow additional uses adjacent to dedicated parkland and Rapid Creek that are inappropriate and could adversely affect the surrounding properties.

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

The subject property is a railroad right-of-way and is proposed to have signal boxes constructed in the future. A SDCL 11-6-19 Review or a Conditional Use Permit must be submitted prior to any construction in the railroad right-of-way and an Amendment to the Long Range Comprehensive Plan is not needed for this process.

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 does not support the application to change the Comprehensive Plan for the subject

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property from Floodway to Light Industrial as it is not necessary to accomplish the property owners stated intent and offers the opportunity for inappropriate uses to be introduced in close proximity to Rapid Creek, dedicated park land and Omaha Street, a major arterial in the community. The possibility of future billboards along the railroad right-of-way has a potential adverse effect due to the location of the subject property adjacent to Omaha Street.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 8, 2006 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

A revised legal advertisement for the associated rezoning application was sent to the Rapid City Journal to correct an inaccurate legal description. However, the original incorrect legal advertisement was published. Staff has recommended that the rezoning application be continued to allow that application to be legally advertised. Staff is recommending that this Amendment to the Comprehensive Plan be continued to the June 22, 2006 Planning Commission meeting to allow this application to be heard in conjunction with the rezoning. **The legal advertisement for the rezoning application has now been published. Staff is recommending that this Amendment to the Comprehensive Plan be denied. (Revised 6-12-06)**