

STAFF REPORT  
January 24, 2008

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**No. 07CA063 - Amendment to the Adopted Comprehensive Plan to ITEM 14  
change the land use designation from General Agriculture to Light  
Industrial with a Planned Industrial Development**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	ZCO Incorporated
REQUEST	<b>No. 07CA063 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Industrial Development</b>

EXISTING  
LEGAL DESCRIPTION

A portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of

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311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning

PARCEL ACREAGE	Approximately 6.178 acres
LOCATION	Southwest of the intersection of Creek Drive and Marlin Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District with a Planned Development Designation
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/10/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

**RECOMMENDATION:**

Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Industrial Development be denied without prejudice at the applicant's request.

**GENERAL COMMENTS:** The applicant has submitted this Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Industrial Development. This undeveloped property contains approximately 6.178 acres and is located southwest of the intersection of Creek Drive and Marlin Drive. In addition, the applicant has submitted a Rezoning request (#07RZ072) to change the zoning designation of the property from General Agricultural District to Light Industrial District. Land located south, east, and west of the property is zoned General Agricultural District. Land located north of the property is zoned General Agricultural District and General Commercial District with a Planned Development Designation. The adopted

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Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Heavy Industrial land uses.

On June 7, 2004 City Council approved an Annexation (#04AN003) that included the property and temporarily placed the area in a No Use Zoning District.

On September 4, 2007, City Council approved an Amendment to the Adopted Comprehensive Plan (#07CA030) to change the land use designation from General Agriculture to Heavy Industrial for the adjacent property.

On September 4, 2007, City Council approved Rezoning (#07RZ051) from No Use District to Heavy Industrial District for the adjacent property.

On October 30, 2007 a Planned Development Designation (#07PD084) was approved for the property.

On November 19, 2007, City Council approved a Preliminary Plat (#07PL132) with stipulations that included the property.

**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.*

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. Full utilization of properties currently served by infrastructure is encouraged. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future. In addition, the Initial and Final Planned Commercial Development will serve as a tool to address the issues such as traffic and drainage concerns specific to the property. The Future Land Use Committee has also stated that Comprehensive Plans may be supported when reasonable development plans have been demonstrated. However, the proposed amendment will create an area of spot zoning that is not consistent with the projected land uses identified for the adjacent properties in either the adopted Future Land Use Plan or the draft Future Land Use Plan.

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

Water and sewer are currently being extended into the subject property. In addition, the construction of the Southeast Connector warrant changes to the land use in the area. The proposal to amend the Comprehensive Plan as proposed is reflective of a continuation of the industrial development in the area.

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

The areas to the north and west of the subject property are currently developed with various industrial uses. The areas to the south and east are currently used as agricultural land with the potential to be developed as residential in the future. The proposed amendment will create an area of spot zoning that is not consistent with the projected land uses identified for the adjacent properties in either the adopted Future Land Use Plan or the draft Future Land Use Plan.

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

The Southeast Connector is located north of the subject property and is classified as a principal arterial street on the City's Major Street Plan. The Major Street Plan identifies Creek Drive as a proposed collector street which will extend through the subject property. Allowing industrial use(s) along a collector street is in compliance with the Major Street Plan. As a part of the platting of the subject property, infrastructure has been constructed to serve the proposed industrial development. However, the proposed amendment will create an area of spot zoning that is not consistent with the projected land uses identified for the adjacent properties in either the adopted Future Land Use Plan or the draft Future Land Use Plan. The proposed amendment appears to have the potential to adversely affect the development of the surrounding area.

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

The draft Southeast Connector Future Land Use Plan identifies the area as appropriate for a Heavy Industrial District with a Planned Development. A Heavy Industrial District with a Planned Development would be a more logical and 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.*

As a part of the platting of the subject property, infrastructure has been constructed to serve the proposed industrial development. The draft Southeast Connector Future Land Use Plan

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identifies the area as appropriate for a Heavy Industrial District with a Planned Development. The proposed amendment will create an area of spot zoning that is not consistent with the projected land uses identified for the adjacent properties in either the adopted Future Land Use Plan or the draft Future Land Use Plan. This may create an adverse effect on the surrounding area.

The required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The Future Land Use Committee considered this request on November 29, 2007 and recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial be denied without prejudice.

On January 11, 2008 the applicant submitted a Rezoning request (#08RZ001) to change the zoning designation of the property from General Agricultural District to Heavy Industrial District and an Amendment to the Adopted Comprehensive Plan (#08CA003) to change the land use designation from General Agriculture to Heavy Industrial with a Planned Industrial Development. These items will be considered at the February 7, 2008 Planning Commission meeting. The applicant has requested that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Industrial Development be denied without prejudice. As such, staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Industrial Development be denied without prejudice at the applicant's request.