

STAFF REPORT  
August 7, 2008

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**No. 08CA026 - 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**

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GENERAL INFORMATION:

APPLICANT	Kent R. Hagg for Hagg Development Corporation
AGENT	Brad and Dad, LLC
PROPERTY OWNER	Brian Hagg and Pat Tlustos
REQUEST	<b>No. 08CA026 - 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</b>
EXISTING LEGAL DESCRIPTION	Lot 3 Mall Drive Subdivison and Lot 1B of Block 6 of Interstate 90 Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.0 acres
LOCATION	North of Mall Drive and West of Dakota Craft Drive
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/11/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a

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Planned Commercial Development to Light Industrial with a Planned Industrial Development be denied.

GENERAL COMMENTS: The applicant has submitted an 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. The applicant has also submitted an Initial Industrial Development Plan (#08PD038) to allow a retail structure with outdoor storage on approximately 3 acres and a Rezoning request (#08RZ028) from General Commercial District to Light Industrial District. The proposed outdoor storage is not allowed in the General Commercial Zoning District. As such, the applicant has submitted this request to rezone the property to allow outdoor storage at this location. The property is located west of Dakota Craft Drive and north of East Mall Drive and is currently void of any structural development.

On June 5, 2003 a Planned Development Designation application (#03PD022) was approved that included Lot 1B of Block 6 of Interstate 90 Business Park.

On June 16, 2003 City Council approved an Amendment to the Comprehensive Plan (#03CA013) to revise the Northeast Area Future Land Use Plan to change the land use designation from Light Industrial to General Commercial with a Planned Commercial Development that included Lot 1B of Block 6 of Interstate 90 Business Park.

On June 16, 2003 City Council approved a Rezoning request (#03RZ021) from General Agriculture District to General Commercial District that included Lot 1B of Block 6 of Interstate 90 Business Park.

On February 23, 2007 a Planned Development Designation application (#07PD007) was approved that included Lot 3 of Mall Drive Subdivision.

On April 2, 2007 City Council approved a Rezoning request (#07RZ011) from General Agriculture District to General Commercial District that included Lot 3 of Mall Drive Subdivision.

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 their findings are outlined below:

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1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

The Northeast Area Future Land Use Plan identifies redeveloped areas to accommodate the anticipated light industrial space needs of the area. In addition, the Northeast Area Future Land Use Plan identifies new commercial areas to address both the tourism and community retail and service needs. Placing a Light Industrial District along East Mall Drive, a gateway into the community and a developing commercial corridor does not appear to be consistent with the adopted Comprehensive Plan Amendment.

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

There do not appear to be any changing conditions within the area that warrant an Amendment to the Comprehensive Plan. The applicant is proposing to use the property as a retail facility with outdoor storage. The proposed use is not consistent with the existing zoning and land use designation.

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

Land located south, east and west of the property is zoned General Commercial District. Land located north of the property is zoned Light Industrial District. The proposed amendment to change the land use from Light Industrial to General Commercial does not appear to be compatible with the commercially zoned property adjacent to the property and the Black Hills Visitors Information Center located to the east of the property. In particular, the City has recently approved two Planned Commercial Development applications to construct a Cabela's and a Sam's Club on properties located southwest of this site. The proposed Light Industrial Use is not compatible with the commercial development in the area.

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

Water and sewer is available to the property from East Mall Drive. Traffic will have adequate access from East Mall Drive, an arterial street, as it continues along the property and Elk Vale Road, an arterial street, is located to the east of the property. However, the potential noise, odor, and dust produced from the wide range of uses allowed in the Light Industrial Zoning District and the close proximity of the Visitors Information Center, the entry way to the community and the developing general commercial corridor creates the potential for an adverse impact on the surrounding uses that will result from the requested rezoning.

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

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The property is located adjacent to an area where road and infrastructure improvements are currently constructed. However, the potential noise, odor, and dust produced from the wide range of uses allowed in the Light Industrial Zoning District and the close proximity of the Visitors Information Center, the entry way to the community and the developing general commercial corridor creates the potential for an adverse impact on the surrounding uses that will result from the requested rezoning.

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 light industrial uses that could be allowed pursuant to this land use designation, including outdoor storage may create additional noise, odor and dust that have the potential to adversely effect the existing and proposed commercial development in the area and this gateway into the community.

The Future Land Use Committee considered this request on July 31, 2008 and recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial be denied for the property. They found that the close proximity of the Visitors Information Center, the entry way to the community and the developing general commercial corridor creates the potential for an adverse impact on the surrounding uses that will result from the requested rezoning.

Notification Requirement: 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 August 7, 2008 Planning Commission meeting if the legal notification requirements have not been met.