

STAFF REPORT
August 21, 2008

No. 08RZ028 - Rezoning from General Commercial District to Light Industrial District ITEM 44

GENERAL INFORMATION:

APPLICANT	Kent R. Hagg for Hagg Development Corporation
AGENT	Brad and Dad, LLC
PROPERTY OWNER	Brian Hagg and Pat Tlustos
REQUEST	No. 08RZ028 - Rezoning from General Commercial District to Light Industrial District
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:

Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendment, Staff recommends that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated 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.

STAFF REPORT
August 21, 2008

No. 08RZ028 - Rezoning from General Commercial District to Light Industrial District ITEM 44

GENERAL COMMENTS: (Update: August 15, 2008. All revised and/or added text is shown in bold). This item was continued to the August 21, 2008 Planning Commission meeting at the applicant's request. On August 14, 2008 the associated Comprehensive Plan Amendment (#08CA026) was reconsidered by the Future Land Use Committee. Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendment, Staff recommends that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated 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 submitted this Rezoning request from General Commercial District to Light Industrial District. The applicant has also submitted an Initial Industrial Development Plan (#08PD038) to allow a retail structure on approximately 3 acres and a Comprehensive Plan Amendment (#08CA026) 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 proposed to construct a retail facility with outdoor storage. Because outdoor storage is not permitted in the existing General Commercial Zoning District, the applicant has submitted this Rezoning and Comprehensive Plan Amendment Request. The property is located west of Dakota Craft Drive and north of East Mall Drive and is currently void of any structural development. The Property to the north is zoned Light Industrial District. The properties to the south, east and west are zoned General Commercial District with a Planned Development Designation.

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: Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings are outlined below:

STAFF REPORT
August 21, 2008

No. 08RZ028 - Rezoning from General Commercial District to Light Industrial District ITEM 44

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

There appear to be no changing conditions within the area at this time that warrant rezoning this property. The applicant is proposing to use the property, as a retail facility with outdoor storage, in a manner that is not consistent with the existing zoning and land use designation.

2. *The proposed zoning is consistent with the intent and purposes of this ordinance.*

The Light Industrial District is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing and wholesaling. The property is located adjacent to General Commercial Districts and East Mall Drive, an entryway to the community and a newly developing general commercial corridor. This property is also located across the street from the Visitors Information Center and the Forefather Flats/Cabela's development. Due to the existing zoning of the adjacent properties, the fact that this area is a gateway to the community and a newly developing commercial corridor, the proposed rezoning appears to be inconsistent with the intent and the purposes of this ordinance.

On August 14, 2008 the Future Land Use Committee reviewed the request and determined that the proposed amendment is compatible with the surrounding properties based on the protections provided by the Planned Industrial Development.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.*

The property is located adjacent to General Commercial Districts. 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.

On August 14, 2008 the Future Land Use Committee reviewed the request and determined that the proposed amendment is compatible with the surrounding properties based on the protections provided by the Planned Industrial Development.

4. *The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

The Northeast Neighborhood Area Future Land Use Plan identifies this area as appropriate

STAFF REPORT
August 21, 2008

No. 08RZ028 - Rezoning from General Commercial District to Light Industrial District ITEM 44

for General Commercial land uses with a Planned Commercial Development. As such, the proposed amendment conflicts with the Future Land Use Plan. The Future Land Use Committee determined that the proposed amendment could adversely impact the surrounding uses and recommended denial of the associated Comprehensive Plan Amendment to the Future Land Use Designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development (#08CA026). As such, staff recommends that the Rezoning from General Commercial District to Light Industrial District be denied.

On August 14, 2008 the Future Land Use Committee reviewed the request and determined that the proposed amendment is compatible with the surrounding properties based on the protections provided by the Planned Industrial Development.

Notification Requirement: The required sign has been posted on the property and the receipts from the certified mailing have been returned.