

STAFF REPORT

June 4, 2009

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**No. 09CA008 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development**

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**ITEM 16**

GENERAL INFORMATION:

APPLICANT/AGENT James L. Scull, Jr.

PROPERTY OWNER James L. Scull, Jr.

REQUEST **No. 09CA008 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development**

EXISTING  
LEGAL DESCRIPTION

A parcel of land, located in the SW¼ SW¼ of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being identical with the northwesterly corner of Lot 2 of SSJE Subdivision recorded at the Pennington County Register of Deeds Office in Plat Book 29 Page 167, said corner being marked with a 5/8" rebar with survey cap said corner being the Point of Beginning: Thence First Course: along the northerly line of said Lot 2 a bearing of S89°56'10"E and a distance of 273.99 feet to 5/8" iron rod; Thence Second Course: along a line bearing S89°57'50"E and a distance of 617.49 feet to a the northeasterly corner of said Parcel and an intersection with the Section 1/16th line of said Section 32; Thence Third Course: along said Section 1/16th line a bearing of S00°07'24"W and a distance of 813.51 feet to the West 1/16 corner of said Section 32 which is marked with a magnetic nail with flasher marked "LS 4371"; Thence Fourth Course: along the southerly section line of said Section 32 a bearing of N89°52'58"W and a distance of 630.09 feet to a 5/8' rebar with survey cap marked "LS 4371"; Thence Fifth Course: continuing along the southerly section line of said Section 32 a bearing of N89°52'47"W and a distance of 170.11 feet to the southwesterly corner of Lot 7 of said SSJE Subdivision marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Sixth Course: along the westerly line of said Lot 7 a bearing of N00°09'09"E and a distance of 205.41 feet to the northwesterly corner of said Lot 7 and an intersection with the southerly right-of-way line of Jess Street marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Seventh Course: along a line with a bearing of N49°19'44"W and a distance of 87.31' to an

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intersection with the northerly right-of-way line of Jess Street and the southwesterly corner of Lot 2 of Lot A of D.D.E. Subdivision as recorded in Plat Book 29, Page 68; Thence Eighth Course: along the westerly line of said Lot 2 of Lot A a bearing of N00°00'30"E and a distance of 150.00 feet; Thence Ninth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of S89°53'09"W and a distance of 25.00 feet; Thence Tenth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of N00°09'42"E and a distance of 52.51 feet to the southwesterly corner of Lot 1 of said SSJE Subdivision marked with a 5/8' rebar; Thence Eleventh Course: along the westerly line of said Lot 1 a bearing of N00°26'40"E and a distance of 119.65 feet to the southwesterly corner of Lot 2 of said SSJE Subdivision marked with a 5/8' rebar; Thence Twelfth Course: along the westerly line of said Lot 2 a bearing of N00°00'48"E and a distance of 228.14 feet to the Point of Beginning. Basis of Bearings established by GPS observations, base located at the northeasterly corner of Lot K-2 S. Said Parcel of Land Contains 16.043 acres, more or less.

PARCEL ACREAGE	Approximately 14.48
LOCATION	Adjacent to Kermit Lane east and west, south of Jess Street
EXISTING ZONING	General Commercial District (Planned Development Designation) - General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	General Commercial District - Low Density Residential District
East:	General Commercial District - Heavy Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/8/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to

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the Adopted Comprehensive Plan to revise the Future Land Use Plan by changing the land use designation from General Commercial to Light Industrial with a Planned Industrial Development be approved.

GENERAL COMMENTS: The applicant has submitted a Comprehensive Plan Amendment to the Elk Vale Future Land Use Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development. In addition, the applicant has submitted an associated rezoning application (#09RZ025) to change the zoning designation from General Commercial to Light Industrial.

The property is located along Jess Street as well as properties adjacent to Kermit Lane, with numerous operational businesses, including indoor storage, battery sales and service, exhaust services and an auto body shop.

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 are 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 the Future Land Use Committee's 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 in-fill development and full utilization of properties currently served by infrastructure. The property is surrounded by auto and recreational vehicle sales to the west, an auto salvage yard to the north, a large utility substation to the south, and a residential use to the east. Over half of the property is vacant. The Light Industrial Zoning District creates an extension of the future light industrial land uses to the south and the heavy industrial land uses to the north while maintaining the commercial uses along Cambell Street to the west. The eastern portion of the property accommodates major overhead utilities, creating limited height uses. This proposed change is consistent with the intent of the City's Comprehensive Plan goal to encourage in-fill development and provides the opportunity for ground-level land uses, including outdoor storage.

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

The eastern portion of the property is currently void of any development and is located in an area with continuing industrial land use growth. The expansion of this industrial

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growth is the change that warrants the extension of industrial land use.

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

The property located north of the property is zoned Heavy Industrial District. The property located east of the property is zoned General Commercial District. The property west of the property is zoned General Commercial District. The property located south of the property is zoned General Commercial District and Low Density Residential District. A utility substation is allowed in the Low Density Residential District with approval of a conditional use permit. Expanding the light industrial uses as proposed within existing commercial and industrial uses is a compatible land use. The proposed amendment to change the land use from General Commercial to Light Industrial with a Planned Industrial Development appears to be compatible with the non-residential uses surrounding the property.

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

The eastern portion of the property is currently vacant. However, City water and sewer are located within Jess Street and Kermit Lane rights-of-way through and extending to the eastern most property boundary. Both Kermit Lane and Jess Street lying within the property boundary are constructed. Utilization of the existing infrastructure creates better use of existing services. The proposed amendment does not appear to have any significant adverse effect on the surrounding properties.

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

The proposed amendment will encourage industrial in-fill development within the City. The existence of infrastructure adjacent to the property indicates that the proposed change would result in a logical and orderly development pattern. The proposed amendment will extend the existing industrial uses from the northern boundary of the property to the southern boundary.

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 Future Land Use Committee has not identified any significant adverse effects that the Comprehensive Plan Amendment will have on the surrounding area or on the City.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 4, 2009 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

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writing.

The Future Land Use Committee recommends approval of the request to amend the Comprehensive Plan by changing the land use designation from General Commercial to Light Industrial with a Planned Industrial Development.