

STAFF REPORT

July 23, 2009

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**No. 09CA013 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Light Industrial with a Planned Industrial Development**

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**ITEM 33**

GENERAL INFORMATION:

|                            |   |
|----------------------------|---|
| APPLICANT                  | City of Rapid City  |
| PROPERTY OWNER             | Royal and Merle Nielsen   |
| REQUEST                    | <b>No. 09CA013 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Light Industrial with a Planned Industrial Development</b>  |
| EXISTING LEGAL DESCRIPTION | That portion of Lot 15 Revised of HillsvieW Subdivision described as follows: Beginning at the northeast corner of Lot 15 Revised; thence S00°00'00"E 349.61 feet, more or less; thence N89°50'46"W 200.00 feet, more or less; thence N00°00'00"W 198.82 feet, more or less; thence N90°00'00"W 129.91 feet, more or less; thence N00°03'23"W 150.00 feet, more or less; thence N89°56'06"E 330.06 feet, more or less, to the Point of Beginning; located in the NE¼ SE¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the south 293 feet of Lot 6 of Marshall Subdivision, located in the SE¼ NE¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 5.009 acres   |
| LOCATION                   | West of Valley Drive and north of S.D. Highway 44   |
| EXISTING ZONING            | No Use District   |
| SURROUNDING ZONING         |   |
| North:                     | Low Density Residential District  |
| South:                     | No Use District   |
| East:                      | Low Density Residential District  |
| West:                      | Low Density Residential District  |
| PUBLIC UTILITIES           | Rapid Valley Sanitary District  |
| DATE OF APPLICATION        | 6/12/2009   |
| REVIEWED BY                | Karen Bulman / Ted Johnson  |

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---

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---

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RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the adopted Comprehensive Plan to change the land use designation from Low Density Residential to Light Industrial with a Planned Industrial Development be denied.

GENERAL COMMENTS: This developed property contains approximately 5.009 acres and is located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north, east and west of the property is zoned Low Density Residential District. Land located south of the property is zoned No Use District.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land uses. On June 1, 2009, the City Council denied an application to rezone the property from No Use District to Low Density Residential District and indicated an application should be submitted to rezone the property from No Use District to Light Industrial District in conjunction with a Comprehensive Plan Amendment to change the land use from Low Density Residential to Light Industrial with a Planned Industrial Development. Applications to rezone the property from No Use District to Light Industrial District (#09RZ031) and a Planned Development Designation (#09PD023) have been submitted in conjunction with this application. The Future Land Use Committee reviewed this application again and toured the site on July 2, 2009. The Future Land Use Committee has recommended that the request be denied as light industrial development adjacent to residential neighborhoods is not appropriate.

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 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.*

A goal of any Future Land Use Plan is to maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods. The objective is to protect stable neighborhoods, prevent encroachment by incompatible industrial and commercial uses and maintain suitable buffers between low density residential areas and more intensive nonresidential uses. The Future Land Use Committee indicated that this property was located adjacent to residentially developed areas to the north, east and west. In addition, light industrial land uses are not located adjacent to the property. As such, the Future Land Use Committee

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---

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---

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indicated that the proposed change to light industrial land uses does not meet the overall intent of the comprehensive plan and is not appropriate.

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

The Elk Vale Neighborhood Future Land Use Plan identifies the property as appropriate for Low Density Residential land uses. The property was zoned Suburban Residential District and General Commercial District by Pennington County prior to annexation. Following the annexation of this property, the City submitted a rezoning request from No Use District to Low Density Residential District, following the adopted Elk Vale Neighborhood Future Land Use Plan. The Council denied the application and indicated that an application should be submitted to change the land use from Low Density Residential to Light Industrial with a Planned Industrial Development. In addition to this Comprehensive Plan Amendment, the City has submitted a rezoning request from No Use District to Light Industrial District (#09RZ031) and a Planned Development Designation (#09PD023) has been submitted by the property owner. The Future Land Use Committee identified no changes that warrant the proposed industrial land use.

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

This property is located adjacent to an area that supports residential land uses. Low Density Residential land uses are located east, west and north of the property. The property is not located adjacent or near other property zoned Light Industrial District. An Initial and Final Planned Industrial Development will be needed for any expansion or change in use on the property. This Planned Industrial Development will help to mitigate any negative impacts on adjacent properties. However, the Future Land Use Committee is concerned about the potential uses that are allowed with light industrial uses, such as; building material sales yard, including rock, sand and gravel, mini-warehousing, car washes, manufacture and retail sales of firearms and ammunition, and crematoriums. These uses may have negative impacts on the residential uses adjacent to the property. The proposed amendment to change the land use from Low Density Residential to Light Industrial appears to be incompatible with the residential uses adjacent to the property.

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

A construction shop building and storage for outdoor construction equipment are located on the property. The property is located within the Rapid Valley Sanitary District. Access to the property is from S.D. Highway 44, a principal arterial street, located south of the property. The Future Land Use Committee found that the potential light industrial uses on the property would have a negative impact on the adjacent residential neighborhoods and the surrounding area.

STAFF REPORT  
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---

**No. 09CA013 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Light Industrial with a Planned Industrial Development**

---

**ITEM 33**

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

The Future Land Use Committee found that the proposed amendment to allow Industrial land uses on this property will have a negative effect on the adjacent residential neighborhood. As such, the Future Land Use Committee found that the proposed change will not result in a 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.*

The applicant has submitted a Planned Development Designation for the property. Before the property can be expanded or a building permit requested, an Initial and Final Industrial Development Plan must be submitted for review and approval. This will serve to mitigate potential hazards that may be identified with the light industrial uses. However, the Future Land Use Committee has identified that light industrial land uses, with the potential for noise and pollution, adjacent to a residential area, could potentially have significant adverse effects on the surrounding area and 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 July 23, 2009 Planning Commission meeting if these requirements have not been met. Staff received several phone calls and comments supporting the previous request for low density residential uses in June 2009. At the time of this writing, staff has not received any calls or comments regarding this request.

The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Light Industrial with a Planned Industrial Development be denied.