

STAFF REPORT
March 25, 2010

No. 10CA002 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial

ITEM 32

GENERAL INFORMATION:

APPLICANT/AGENT James Letner

PROPERTY OWNER Market Square, LLC

REQUEST **No. 10CA002 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial**

EXISTING
LEGAL DESCRIPTION

A portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B

STAFF REPORT
March 25, 2010

No. 10CA002 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial

ITEM 32

of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning

PARCEL ACREAGE	Approximately 3.549 acres
LOCATION	South of E. St. Charles Street and west of Creek Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/12/2010
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the future land use designation from General Commercial to Light Industrial be denied without prejudice.

GENERAL COMMENTS: This undeveloped portion of the property contains approximately 3.549 acres and is located at the corner of East Saint Charles Street and Creek Drive, just north of Saint Patrick Street. There currently exists a 16,000 square foot retail center on the southwestern corner of the property constructed in 2006. In addition to this Amendment to the Comprehensive Plan, the applicant has submitted a Rezoning application (10RZ014) to change the northern most 275 feet of the existing parcel from General Commercial District to Light Industrial District.

In February 2005, the applicant submitted an application for a Layout Plat (05PL006) to subdivide the property into five commercial lots and an associated Subdivision Variance application (05SV002 and 05SV005) to waive the requirement to dedicate additional right-of-way and to waive the required improvements along Creek Drive, Saint Patrick Street and East Saint Charles Street. The City Council denied without prejudice all three applications

STAFF REPORT
March 25, 2010

No. 10CA002 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial

ITEM 32

at the applicant's request.

On May 2, 2005, the City Council approved Tax Increment District 52 Project Plan (05TI001 and 05TI002) in order to assist in the development of property adjacent to East Saint Charles Street. Those improvements include East Saint Charles Street construction, drainage improvements, storm water drainage improvements, and reclamation of the City's snow dump site.

In September 2005, the Planning Commission approved an 11-6-19 SDCL Review (05SR049) to allow improvements to Saint Charles Street and storm sewer improvements in the Creek Drive right-of-way.

In February 2006, the applicant submitted a Comprehensive Plan Amendment (06CA002) to downgrade the designation of Creek Drive from a minor arterial street to a collector street and upgrade Valley Drive from a collector street to a minor arterial street. The applicant withdrew the application prior to Planning Commission's consideration.

In March 2008, the applicant submitted an application for a Layout Plat (07PL116) to subdivide the property into eight commercial lots and associated Subdivision Variance applications (07SV050 and 07SV070) to waive the requirement to dedicate additional right-of-way and to waive the required improvements along Creek Drive, Saint Patrick Street and East Saint Charles Street. The City Council acknowledged the applicant's request to withdraw all three applications.

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 uses and maintain suitable buffers between non-residential areas and more intensive nonresidential uses. The Future Land Use Committee indicated that this property was located adjacent to residential and commercially developed area and would have a negative impact on the

STAFF REPORT
March 25, 2010

No. 10CA002 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial

ITEM 32

adjacent residential neighborhood. As such, the Future Land Use Committee indicated that the proposed change to light industrial land uses could meet the overall intent of the Comprehensive Plan provided a planned development designation was included in order to mitigate any potential impacts to the adjacent commercial and residential properties. Without the planned development designation, the Committee could not support the proposal.

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

The Southeast Connector Neighborhood Future Land Use Plan identifies the property as appropriate for General Commercial land uses. The property was zoned General Commercial District subsequent to the annexation into the Rapid City corporate limits in 1962. However, 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 near areas that support commercial land uses. Land located west and south of the property is zoned General Commercial District. Land located north and east of the property is zoned Light Industrial; however, the properties to the east are all occupied by single family homes. An Initial and Final Planned Industrial Development will be needed for any expansion or change in use on the property. A Planned Industrial Development will help to mitigate negative impacts that the numerous industrial uses could have on the adjacent commercial properties. Light industrial uses include manufacturing and processing, manufacturing and retail of firearms and ammunition, outdoor storage of combustible liquids, tire recapping or retreading, concrete and asphalt batch plants, and vehicle towing companies with and without outdoor storage. These uses are incompatible with the retail uses currently on the property.

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

The property included in the proposed change is currently vacant. Saint Patrick Street, a principal arterial street, is located adjacent and south of the property. Creek Drive, a minor arterial street, is located adjacent and east of the property. Saint Charles Street, a local street, is located adjacent and north of the property. The Future Land Use Committee found that potential light industrial uses on the property that could include noise, odor, or pollution, would have a negative impact on the adjacent commercial uses.

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

STAFF REPORT
March 25, 2010

No. 10CA002 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial

ITEM 32

The Future Land Use Committee found that the potential light industrial uses will have a negative effect on the adjacent commercial uses. Although there are industrial zoning districts north of Saint Charles Street and east of Creek Drive, the street provides a buffer between the industrial uses and the existing residential and commercial uses. The proposed amendment to allow industrial land uses on this property will negatively impact the existing retail center and the single family homes located adjacent and in close proximity with the potential uses that are permitted with light industrial uses. The Future Land Use Committee found the proposed change will not result in a logical and orderly development pattern unless a planned development designation is approved to serve as a tool to ensure compatibility between the uses.

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 identified that light industrial land uses, with the potential for noise, odor and pollution, adjacent to a residential area and along a major corridor through the City, could potentially have significant adverse effects on the surrounding area, the adjacent residential uses, and on the City. Unless the applicant submits a Planned Development Designation for the property, the Future Land Use Committee determined that the adverse effects to the residential uses to the east and commercial uses to the south and west could not be mitigated. Although there is one industrial use to the north of Saint Charles Street, the street provides a buffer between the industrial uses and the existing commercial and residential uses surrounding the property.

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 Comprehensive Plan identifies the property as appropriate for general commercial land uses. On March 11, 2010, the Future Land Use Committee met to review the proposal. The Committee recommended approval of an Amendment to the Comprehensive Plan to change the land use on the property from General Commercial to Light Industrial with a Planned Industrial Development. Designating a planned development will ensure that the potential industrial land uses are compatible with adjacent existing commercial and residential land uses in the area. As such, staff recommends that the application be denied without prejudice to allow the applicant to submit a revised application for an Amendment to the Comprehensive Plan to change the land use on the subject property from General Commercial to Light Industrial with a Planned Industrial Development Designation.