

STAFF REPORT
April 22, 2010

No. 10RZ014 - Rezoning from General Commercial District to Light Industrial District **ITEM 33**

GENERAL INFORMATION:

APPLICANT/AGENT	James Letner
PROPERTY OWNER	Market Square, LLC
REQUEST	No. 10RZ014 - Rezoning from General Commercial District to Light Industrial District

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 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

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northeasterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ 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 Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

Staff will provide a recommendation to the Planning Commission at the April 22, 2010 Planning Commission meeting based on the City Council's action on the related Comprehensive Plan Amendment on April 19, 2010.

GENERAL COMMENTS: (Update, April 15, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 22, 2010 Planning Commission meeting to allow the applicant to submit a Comprehensive Plan Amendment to change the future land use designation on the property from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development. On March 25, 2010, the Planning Commission denied the related Amendment to the Comprehensive Plan (No. 10CA002) to change the future land use designation from General Commercial to Light Industrial without prejudice.

The Future Land Use Committee met on April 15, 2010, and revised their recommendation for the related Amendment to the Comprehensive Plan (No. 10CA002) to recommend approval of the request to amend the Future Land Use Plan from General Commercial with a Planned Commercial Development to Light Industrial with no requirement for a Planned Industrial Development. The related Amendment to the Comprehensive Plan will be considered at the April 19, 2010 City Council meeting. As such, staff will provide a recommendation to the Planning Commission

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at the April 22, 2010 Planning Commission meeting based on the City Council's action on the related Comprehensive Plan Amendment on April 19, 2010.

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. The property was annexed into the City limits in 1962 and was subsequently zoned General Commercial District. Land located north and east of the property is zoned Light Industrial District. Land located south and west of the property is zoned General Commercial District.

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for General Commercial with a Planned Commercial Development. A Comprehensive Plan Amendment to change the land use from General Commercial with a Planned Commercial Development to Light Industrial (No. 10CA002) was submitted in conjunction with this Rezoning application.

On March 11, 2010, the Future Land Use Committee met to review the associated Comprehensive Plan Amendment (No. 10CA002) request to change the future land use designation from General Commercial with a Planned Commercial Development to Light Industrial. The Future Land Use Committee recommended approval of an Amendment to the Comprehensive Plan to change the land use on the property from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development. Since the applicant's request does not include a Planned Industrial Development designation, staff recommends that the associated Comprehensive Plan Amendment (No. 10CA002) be denied without prejudice.

Staff subsequently recommends that the Rezoning request be continued to the April 22, 2010 Planning Commission meeting to allow the applicant to submit a Comprehensive Plan Amendment to change the future land use designation on the property from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development.

STAFF REVIEW: Staff has reviewed the 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:

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.*

This undeveloped property is currently zoned General Commercial District. The property owner has indicated that he wishes to develop this property with Light Industrial land uses. Staff has found no substantially changing conditions of the area, which would make the proposed amendment necessary.

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

The Light Industrial Zoning District is established to provide areas in which the principal

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use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution in which operations are conducted so that noise, odor, dust and glare are completely confined within an enclosed building. The property is located adjacent to Light Industrial and General Commercial Zoning Districts. Therefore, there is the potential for conflict with the commercial uses in the area. As such, staff recommends that a Planned Industrial Development be approved prior to any development on the property in order to mitigate potential negative impacts of industrial uses on the adjacent commercial properties.

- 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.*

As previously noted, the property is located adjacent to General Commercial and Light Industrial zoning districts. Light Industrial land uses are to the north and east of the property. General Commercial land uses are to the south and west of the property. The property abuts Creek Drive, a minor arterial street, to the east and an undeveloped portion of East Saint Charles Street, an industrial/commercial street, to the north. Construction of this portion of East Saint Charles Street is set for the spring of 2010. In addition, water and sewer service are available to the property.

Due to the potential for conflict with adjacent commercial land uses, staff recommends that a Planned Development Designation be approved in conjunction with the Rezoning request. The Initial and Final Planned Industrial Development will serve as a tool to address the issues specific to the property and will help to mitigate any potential negative impacts an industrial use may have on existing and future land uses in the area. As such, staff recommends that the Rezoning request be continued to allow the applicant to submit a Planned Development Designation application.

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

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for General Commercial with a Planned Commercial Development. A Comprehensive Plan Amendment to change the land use from General Commercial with a Planned Commercial Development to Light Industrial (No. 10CA002) was submitted in conjunction with this Rezoning application. However, the Future Land Use Committee recommended approval of an Amendment to the Comprehensive Plan to change the future land use designation on the subject property from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development. Therefore, staff is recommending that the associated Comprehensive Plan Amendment (No. 10CA002) be denied without prejudice.

Staff recommends that this item be continued to the April 22, 2010 Planning Commission meeting to allow the applicant to submit a Comprehensive Plan Amendment to change the future land use designation on the property from General Commercial to Light

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Industrial with a Planned Industrial Development. The Planned Industrial Development will serve as a tool to mitigate any negative impacts that the industrial use may have on the surrounding properties.

Notification: As of this writing, the required rezoning sign has been posted on the property; however, the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission if this requirement has not been met. To date, staff has received one inquiry regarding the proposed rezoning request.

Staff will provide a recommendation to the Planning Commission at the April 22, 2010 Planning Commission meeting based on the City Council's action on the related Comprehensive Plan Amendment on April 19, 2010.