

STAFF REPORT

March 25, 2004

No. 04CA002 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial **ITEM 29**

GENERAL INFORMATION:

PETITIONER	Stanley & Durr LLC dba Fjords Ice Cream Factory
REQUEST	No. 04CA002 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial
EXISTING LEGAL DESCRIPTION	Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.932 acres
LOCATION	1805 and 1815 38th Street
EXISTING ZONING	Medium Density Residential District/Planned Residential Development
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/23/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Based on the Planning Commission's previous actions, Staff recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial be **approved in conjunction with the associated Planned Development Designation request.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was **continued from the February 19, 2004 Planning Commission meeting to allow the applicant time to submit an application for a Planned Development Designation for the site.**

STAFF REPORT

March 25, 2004

No. 04CA002 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial **ITEM 29**

At the February 19, 2004 Planning Commission meeting, the Planning Commission indicated support for the rezoning of the property if a Planned Development Designation or an Initial and Final Development Plan application were submitted in conjunction with the rezoning request. This would protect the adjacent residential neighborhood from the impacts of more intense uses allowed in the Neighborhood Commercial Zoning District. On February 27, 2004 the applicant submitted an application for a Planned Development Designation for the properties. (See companion item #04PD012.)

The subject properties are located at 1805 and 1815 38th Street, which is south of Canyon Lake Drive and west of 38th Street. The properties were annexed into the City of Rapid City in 1947. They are currently zoned Medium Density Residential with a Planned Residential Development. In 1995 the Planning Commission approved with stipulations the Planned Residential Development allowing the construction of 18 apartment units separated into three buildings. This Medium Density Residential property is surrounded by Medium Density Residential zoning districts to the north, south, east, and west. The Comprehensive Plan and the West Rapid Neighborhood Area Future Land Use Plan Draft identifies these properties as appropriate for Medium Density Residential with a Planned Residential Development. The applicant is requesting the Comprehensive Plan be amended to change the future land use designation for the subject property from Medium Density Residential to Neighborhood Commercial. An application to rezone the property from Medium Density Residential to Neighborhood Commercial has been submitted in conjunction with this Amendment to the comprehensive Plan.

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 the changing market place, periodic adjustments to reflect changing conditions will be required.

Currently four single-family residences are located on the southernmost parcel, and the northernmost parcel is vacant. The properties are located in a stable developed residential neighborhood. The properties located to the north, south, east, and west of the subject properties are zoned Medium Density Residential. The Comprehensive Plan identifies the subject properties as appropriate for a Medium Density Residential Zoning District with a Planned Residential Development.

Extensive discussions have been held regarding the conversion of existing residentially zoned and developed properties to commercial uses in the Canyon Lake neighborhood. At least two neighborhood meetings were held on the draft Neighborhood Land Use Plan with over one hundred residents attending each meeting. Strong objections were expressed to further commercial intrusions into this residential neighborhood.

STAFF REPORT

March 25, 2004

No. 04CA002 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial

ITEM 29

The Future Land Use Committee has reviewed the request and recommended denial of the request citing concerns with spot zoning, encroachment into the residential neighborhood and strip commercial development.

As previously indicated the applicant has submitted an application for a Planned Development Designation on the properties. The Planned Development Designation will allow the City to adequately address site specific issues at the time a development proposal is prepared. The additional review provided by the Initial and Final Planned Development will insure that possible adverse impacts of the future development on the site will be adequately mitigated. Potential issues that will need to be addressed through the Initial and Final Planned Development include access, parking, traffic patterns, outdoor lighting, landscape buffering, and screening requirements. As such, Staff recommends the Comprehensive Plan Amendment be approved in conjunction with the associated Planned Development Designation request.