

STAFF REPORT
May 10, 2007

No. 07CA013 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development **ITEM 39**

GENERAL INFORMATION:

PETITIONER enVision Design, Inc. for Plum Creek Development LLC

REQUEST **No. 07CA013 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development**

EXISTING LEGAL DESCRIPTION A Tract of land located in the SW1/4 of Section 16, T1N, R8E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less.

PARCEL ACREAGE Approximately 10 acres

LOCATION Southeast of the intersection of Elk Vale Road and Willowbend Road

EXISTING ZONING Office Commercial District (Planned Commercial Development)

SURROUNDING ZONING
North: Limited Agriculture District (Pennington County)
South: General Commercial District (Planned Commercial Development)
East: Low Density Residential II District (Planned Residential

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West:	Development) Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be denied.

GENERAL COMMENTS: This staff report has been revised as of May 1, 2007. All revised and/or added text is shown in bold print. This application was continued at the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Comprehensive Plan Amendment. This property contains approximately 10 acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned Office Commercial District with a Planned Commercial Development. Land located north of the subject property is zoned Limited Agriculture District by Pennington County. Land located south of the subject property is zoned General Commercial District with a Planned Commercial Development. Land located west of the subject property is zoned Office Commercial District with a Planned Commercial Development. Land located east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. In addition to this application for an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development, the applicant has submitted a Rezoning from Office Commercial District to General Commercial District (07RZ018). In addition, the applicant has submitted two Comprehensive Plan Amendments to change the land use from General Agriculture to General Commercial with a Planned Commercial Development (07CA012 and 07CA017) and one Comprehensive Plan Amendment to change the land use from General Agriculture to Office Commercial with a Planned Commercial Development (07CA011). Three rezoning applications also accompany the Comprehensive Plan Amendments. The applicant requests to rezone one property from General Agriculture District to General Commercial District (07RZ017), one property from General Commercial District to Office Commercial District (07RZ016), and one property from Low Density Residential II District to General Commercial District (07RZ028).

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.

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The applicant has requested four Rezoning and four Comprehensive Plan Amendments for the subject property and adjacent properties. The Future Land Use Committee has scheduled a meeting with the applicant on March 30, 2007 to review the Comprehensive Plan Amendment as well as the other applications for the surrounding property. As such, staff recommends that this application be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the Comprehensive Plan Amendment and provide the Planning Commission with a recommendation. The Future Land Use Committee met on March 30, 2007 and will review this application again on April 27, 2007. As such, Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be continued to the May 10, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Comprehensive Plan Amendment. (Revised April 16, 2007) **The Future Land Use Committee met again on April 27, 2007 to review this Amendment to the Comprehensive Plan. The current zoning on the subject property was the result of significant discussions and compromises with the previous owners, Ray Elliott and Owen Emme. While the property is now owned by a different LLC, Mr. Elliott remains an owner. The property is currently zoned Office Commercial District with a Planned Commercial Development.**

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 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 maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods. Stable neighborhoods need to be protected to prevent encroachment by incompatible commercial uses. The subject property is adjacent to office commercial and residential land uses. Changing the land use from Office Commercial to General Commercial will remove a significant buffer between residential and general commercial land uses. The proposed land use change is inconsistent with the intent of the City's Comprehensive Plan to protect neighborhoods by preventing encroachment of incompatible land uses.

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

Currently, the property is unoccupied. There does not appear to be any changed condition within the surrounding neighborhood, including the subject property that

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warrants the proposed change.

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

The office commercial land use is an appropriate buffer between the residential land uses and the general commercial land uses. The proposed amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development appears to be incompatible with the residential uses adjacent to the subject property and would not provide a buffer for the existing and future residential development.

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

Elk Vale Road is located west of the subject property; however, there is no current connection from the subject property to Elk Vale Road. Local residential streets, not intended for commercial use, are located adjacent to the subject property. A significant amount of traffic from the commercial businesses will be using the local streets and traveling through residential areas. Water and sewer will need to be extended as development occurs. The lift station for this area is currently near capacity. The proposed amendment appears to have the potential for having an 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 subject property is undeveloped but is located adjacent to existing residential land uses. The proposed amendment will increase the commercialization of the area and potentially disrupt an established neighborhood. The Future Land Use Committee found that the proposed change would 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.*

Changing the Future Land Use designation to General Commercial will potentially increase traffic and noise and put a burden on the local streets and sewer system currently in place. The proposed amendment will adversely affect adjacent established residential areas as well as any future residential development in the area.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries and objections regarding the proposed request at the time of this writing. Two letters

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and a petition signed by 44 area property owners, representing 33 area properties, have been submitted requesting that the Amendment to the Comprehensive Plan to change the land use from General Agriculture to General Commercial with a Planned Commercial Development not be allowed.

The Future Land Use Committee met on April 27, 2007 and had serious concerns about the requested Amendment to the Comprehensive Plan due to the general commercial land uses encroaching into the residential neighborhood. The Future Land Use Committee recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be denied. (Revised May 1, 2007)