

STAFF REPORT  
May 10, 2007

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**No. 07CA017 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development**

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**ITEM 41**

GENERAL INFORMATION:

PETITIONER enVision Design, Inc. for Plum Creek Development LLC

REQUEST **No. 07CA017 - 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, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "brass cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 233.77 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of five acres, more or less.

PARCEL ACREAGE

Approximately 5 acres

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LOCATION	Southeast of the intersection of Elk Vale Road and Willowbend Road
EXISTING ZONING	Low Density Residential II District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)
South:	General Agriculture District
East:	Low Density Residential II District (Planned Residential Development)
West:	General Agriculture District - General 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 five acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned Low Density Residential II District with a Planned Residential Development. Land located north and east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located south of the subject property is zoned General Agriculture District. Land located west of the subject property is zoned General Commercial District with a Planned Commercial Development. In addition to this application for an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development, the applicant has submitted a Rezoning from Low Density Residential II District to General Commercial District (07RZ028). 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 (07CA013 and 07CA012) 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

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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 Office Commercial District to General Commercial District (07RZ018).

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 applicant has requested four Rezoning and four Comprehensive Plan Amendments for the subject property and adjacent properties. The Future Land Use Committee had 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. The Future Land Use Committee will meet again on April 27, 2007 to review the application. As such, staff recommends that this application be continued to the May 10, 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 again on April 27, 2007 to review this Amendment to the Comprehensive Plan.**

**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 residential land uses on the north and east and agriculture land uses on the south and west. Changing the land use from General Agriculture to General Commercial with a Planned Commercial Development 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 commercial land uses.

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

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Currently, the property is unoccupied. The Future Land Use Committee did not identify any changing condition within the surrounding neighborhood, including the subject property that 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 subject property is located adjacent to residential land uses to the north and east and agriculture land uses to the south. 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 future residential land uses.

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

The subject property is currently not developed. A significant amount of traffic from the commercial land use 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 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 located in an undeveloped area. Infrastructure needs and street connections will need to be completed prior to development. The proposed amendment will increase the commercialization of the area and potentially disrupt an established neighborhood. Any potential buffer between general commercial uses and residential uses would be eliminated. 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 land use to general commercial will potentially increase traffic and noise and put a burden on the local streets and sewer system currently in place. The Future Land Use Committee found that the proposed amendment will adversely affect adjacent established residential areas as well as any future residential or commercial 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. An

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adjacent property owner has submitted a letter 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)