

STAFF REPORT
January 24, 2008

**No. 07CA065 - Amendment to the Adopted Comprehensive Plan to ITEM 17
change the land use designation from General Agriculture to General
Commercial with a Planned Commercial Development**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	ZCO Incorporated
REQUEST	No. 07CA065 - 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 portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of

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	N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less
PARCEL ACREAGE	Approximately 4.193 acres
LOCATION	Northeast of the intersection of Creek Drive and Marlin Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District - General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/10/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

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 approved.

GENERAL COMMENTS:

The applicant has submitted an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development. This undeveloped property contains approximately 4.193 acres and is located northeast of the intersection of Creek Drive and Marlin Drive. In addition, the applicant has submitted a Rezoning request (#07RZ074) to change the zoning designation of the property from General Agricultural District to General Commercial District. Land located north, south, and east of the property is zoned General Agricultural District. Land located west of the property is zoned General Agricultural District and General Commercial District with a Planned Development Designation. The adopted Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for General Commercial land uses.

STAFF REPORT
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On June 7, 2004 City Council approved an Annexation (#04AN003) that included the subject property and temporarily placed the area in a No Use Zoning District.

On September 4, 2007, City Council approved an Amendment to the Adopted Comprehensive Plan (#07CA008) to change the land use designation from General Agriculture to General Commercial for the adjacent property.

On September 4, 2007, City Council approved Rezoning (#07RZ012) from No Use District to General Commercial District for the adjacent property.

On October 30, 2007 a Planned Development Designation (#07PD092) was approved for the property.

On November 19, 2007, City Council approved a Preliminary Plat (#07PL132) with stipulations for this property.

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.

Staff 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 Staff 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 encourage compact and contiguous growth along the City's fringe that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. Full utilization of properties currently served by infrastructure is encouraged. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future. In addition, the Initial and Final Planned Commercial Development will serve as a tool to address the issues such as traffic and drainage concerns specific to the property. The proposed amendment is consistent with the projected land uses identified for the adjacent properties in either the adopted Future Land Use Plan or the draft Future Land Use Plan.

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

Water and sewer are currently being extended adjacent to the property. In addition, the construction of the Southeast Connector warrant changes to the land use in the area. The proposal to amend the Comprehensive Plan as proposed is reflective of a continuation of

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the commercial development in the area.

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

The areas to the north and west of the subject property are currently developed with various industrial uses. The areas to the south and east are currently used as agricultural land with the potential to be developed as residential in the future. The proposed General Commercial development is compatible with the existing commercial and industrial zoning and the additional review provided by an Initial and Final Planned Commercial Development process will insure that possible adverse impacts of development are mitigated for the residential areas.

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

The Southeast Connector is located north of the property and is classified as a principal arterial street on the City's Major Street Plan. The Major Street Plan identifies Creek Drive as a proposed collector street which will extend through the subject property. Allowing commercial use(s) along a collector street is in compliance with the Major Street Plan. As a part of the platting of the property, infrastructure has been constructed to serve the development of the property. As such, the proposed amendment does not appear to have a significant adverse effect on the surrounding properties. In addition, the Initial and Final Planned Commercial Development will serve as a tool to mitigate any potential negative impacts the commercial use may have on the adjacent properties as identified above. Particular care will need to be taken to buffer the residential land uses from the potential negative impact of commercial development.

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

The draft Southeast Connector Future Land Use Plan identifies the area as appropriate for a General Commercial land use with a Planned Development. The General Commercial District with the protections provided by a Planned Development should allow the logical and orderly development pattern if care is taken in the design and layout of the development with particular care give to the uses allowed in proximity to the residential development.

- 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.*

Staff has not identified significant adverse effects that the Comprehensive Plan Amendment will have on the surrounding area or on the City with the protections provided by the Initial and Final Planned Commercial Development.

The required sign has been posted on the property and the receipts from the certified

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mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The Future Land Use Committee considered this request on November 29, 2007 and 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 approved.