

STAFF REPORT
April 23, 2009

No. 09CA007 - Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Residential to Office Commercial

ITEM 24

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Edward J. and Patrice Lynch
REQUEST	No. 09CA007 - Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Residential to Office Commercial
EXISTING LEGAL DESCRIPTION	Lots 31 and 32 of Block 19 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	336 Meade Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Neighborhood Commercial District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial be denied.

GENERAL COMMENTS: This developed property contains approximately 0.16 acres and is located at 336 Meade Street. The property is currently zoned Medium Density Residential District. Land located north, south, and east of the property is zoned Medium Density Residential District. Land located west of the property is zoned Neighborhood Commercial District. A single family residence is currently located on the property.

The Adopted Comprehensive Land Use Plan indicates that this property is appropriate for Residential land uses. An application to rezone the property from Medium Density

STAFF REPORT
April 23, 2009

No. 09CA007 - Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Residential to Office Commercial

ITEM 24

Residential District to Office Commercial District (#09RZ023) has been submitted in conjunction with this Comprehensive Plan Amendment.

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 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's findings are outlined below:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

A goal 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. The objective is to protect stable neighborhoods, prevent encroachment by incompatible commercial uses and maintain suitable buffers between low density residential areas and more intensive nonresidential uses. The Future Land Use Committee indicated that this property was located adjacent to a residentially developed area and separated from the Neighborhood Commercial District by an alley. In addition, office commercial land uses were not in the area. As such, the Future Land Use Committee indicated that encroachment of office commercial land uses in this neighborhood was not appropriate.

In addition, the property is located in the Fifth Street Overlay District, a district designed to preserve and maintain the residential area adjacent and near the Fifth Street corridor. Additional regulations are required in the residential district to protect the single family homes in the area from additional density, traffic, setback, landscaping and parking issues. Additional commercial land use is not consistent with the goals of the Fifth Street Overlay District of preserving the residential area. The Comprehensive Plan Amendment will have a potentially negative impact on the existing neighborhood and may result in conflict.

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

There is no proposed change at this time to warrant the additional commercial activity in the area. This property is currently zoned Medium Density Residential District. An application to change the zoning from Medium Density Residential District to Office Commercial District (#09RZ023) has been submitted in conjunction with this application.

3. *Whether and the extent to which the proposed amendment is compatible with existing*

STAFF REPORT
April 23, 2009

**No. 09CA007 - Amendment to the Adopted Comprehensive Plan to
change the Land Use Designation from Residential to Office
Commercial**

ITEM 24

and proposed uses surrounding the subject land.

This property is located adjacent to an area that supports residential land uses. Land located east, north and south of the property is zoned Medium Density Residential District. Land located west of the property and separated by an alley is zoned Neighborhood Commercial District. The property is not located adjacent or near other property zoned Office Commercial District. A church and a grade school are located east of the property. The proposed amendment to change the land use from Residential to Office Commercial appears to be incompatible with the residential uses adjacent to the property.

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

A residential structure is located on the property and City water and sewer are available to service the residence. Meade Street, a local street, is located adjacent and south of the property. Additional commercial usage may have significant impact on traffic flow and the level of service of the existing street. Noise and traffic from the expansion of commercial uses to this property may have a negative impact in the residential neighborhood.

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

The property is located in the Fifth Street Overlay District, a district boundary designed to preserve and maintain the residential area adjacent and near the Fifth Street corridor. The boundaries of the Fifth Street Overlay District are located a block east and west of Fifth Street and along Fifth Street between Fairmont Boulevard and South Street. Additional regulations are required in the Fifth Street Overlay District to protect the single family homes in the area from additional density, traffic, setback, landscaping and parking issues. The encroachment of additional commercial land use will have a negative effect on the residential neighborhood and is not consistent with the goals of the Fifth Street Overlay District of preserving the residential area. The proposed amendment will have a potentially negative impact on the existing neighborhood and may result in conflict. As such, the proposed change within the existing residential area 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.*

Sanitary sewer service and adequate water is available through City services. The local road network is adjacent to the property. The adjacent property to the west across the alley is zoned Neighborhood Commercial District. The applicant has previously indicated a desire to expand his business and use the subject property for a parking lot. Alleys have been considered buffers to keep commercial activity from encroaching into residential areas. The Future Land Use Committee has identified that encroachment of commercial land uses, with the addition of noise and traffic, within a residential area could potentially have significant

STAFF REPORT
April 23, 2009

No. 09CA007 - Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Residential to Office Commercial

ITEM 24

adverse effects on the surrounding area or on the City.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the April 23, 2009 Planning Commission meeting if this requirement has not been met. Staff has received numerous phone calls and objections regarding the proposed request at the time of this writing. The adjacent neighbors and residents of the area have serious concerns with noise and traffic that may be caused by additional commercial use.

The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use designation from Residential to Office Commercial be denied.