

STAFF REPORT
July 9, 2009

No. 09CA010 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development

ITEM 24

GENERAL INFORMATION:

APPLICANT/AGENT	Rising Properties, LLC
PROPERTY OWNER	Curtis D. Rising
REQUEST	No. 09CA010 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	727 Fairview Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	6/12/2009
REVIEWED BY	Karen Bulman / Karley Halsted

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

GENERAL COMMENTS: This developed property contains approximately 0.16 acres and is located at 727 Fairview Street. The property is currently zoned Medium Density Residential District. Land located north and south of the property is zoned General Commercial District with a Planned Commercial Development. Land located west of the property is zoned General Commercial District. Land located east of the property is zoned Medium Density

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Residential 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. Applications to rezone the property from Medium Density Residential District to General Commercial District (#09RZ027) and a Planned Development Designation (#09PD028) have 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 preserve and enhance the existing economic base of Rapid City to achieve continued and well balanced economic development and employment opportunities and promote economic development by ensuring that there are adequate areas zoned for commercial and light/heavy industrial uses. Amending the Comprehensive Plan from Residential to General Commercial with a Planned Commercial Development will allow the adjacent business to expand and further the economic base of the City. The Planned Commercial Development will help to mitigate any adverse effects the commercial use of the property will have on the adjacent residential uses east of the property. The Future Land Use Committee indicated that this property was located adjacent to existing commercially developed areas. As such, the proposed change from residential land uses to general commercial land uses with a Planned Commercial Development appears to be consistent with the intent of the comprehensive plan.

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

The Future Land Use Committee identified no changes that warrant the additional proposed commercial expansion in the area. The applicant has proposed to extend an adjacent business by providing a parking lot at this location. The property is currently zoned Medium Density Residential District. An application to change the zoning from Medium Density Residential District to General Commercial District (#09RZ027) and a Planned Development Designation (#09PD028) have been submitted in conjunction with this application. This property is located adjacent to General Commercial properties to the north, south and west.

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

This property is located adjacent to an area that supports general commercial land uses. Land located north, south and west of the property is zoned General Commercial District. Land located east of the property is zoned Medium Density Residential District. A small apartment building is located east of the property and separates the commercial uses along Mt. Rushmore Road with the single family residential uses to the east. In June 2006, the City Council approved a Comprehensive Plan Amendment (#06CA010) to change the land use from residential to general commercial on adjacent property to the north. A Planned Commercial Development (#06PD048) was approved for this adjacent property in September 2006 to allow for an expanded parking lot. The proposed amendment to change the land use from Residential to General Commercial appears to be compatible with the commercial 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. Fairview Street, a local street, is located adjacent and north of the property. The Planned Development Designation should provide the tool to insure that any development will not have an adverse affect on the residential uses to the east.

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

The proposed amendment will allow the continuation of in-fill development within the City and enhance the existing economic base of Rapid City. The existing and future commercial developments in the area indicate that the proposed change will 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 north, south and west is zoned General Commercial District. The applicant has submitted a Planned Development Designation for the property and will submit a Planned Commercial Development in the future to expand the commercial business and use the property for a parking lot. The Future Land Use Committee has not identified any significant adverse effects that the Comprehensive Plan Amendment will have on the surrounding area or on the City.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission

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at the July 9, 2009 Planning Commission meeting if these requirements have not been met. Staff has received comments from an area resident objecting regarding the request and further commercial encroachment into the neighborhood at the time of this writing. The individual objected to the additional commercial rezoning based on the precedent established by the rezoning of the property to the north three years ago.

The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development be approved.