

STAFF REPORT
November 19, 2009

No. 09CA028 - Amendment to the adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	HDRK Properties, LLC
REQUEST	No. 09CA028 - Amendment to the adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	A portion of Tract C of Rushmore Center, located in the E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 feet to the southeasterly corner of said Tract A, common to the southwestly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of

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N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning

PARCEL ACREAGE	Approximately 8.405 acres
LOCATION	1520 Luna Avenue
EXISTING ZONING	General Commercial District (Planned Development Designation) - General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial District)
South:	General Commercial District (Planned Development Designation) - General Agriculture District
East:	General Commercial District (Planned Development Designation) - General Agriculture District
West:	General Commercial District (Planned Commercial District)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Patsy Horton / Ted Johnson

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

GENERAL COMMENTS: (Update, November 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit the required information in conjunction with the associated applications. The applicant has indicated that the

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required information will be submitted for review and approval prior to Planning Commission's consideration. However, it should be noted that the Comprehensive Plan Amendment can be approved without any action being taken on the related Rezoning request or Planned Commercial Development application. As such, staff recommends that this item be approved in accordance with the Future Land Use Committee's recommendation.

This vacant property contains approximately 8.405 acres and is located north of East Anamosa Street, east of Luna Avenue and south of Eglin Street. The property is currently zoned General Agriculture District. Land located south and east of the property is zoned General Commercial District (Planned Development Designation) and General Agriculture District. Land located north and west of the property is zoned General Commercial District (Planned Commercial Development). In addition, the applicant has submitted an associated rezoning application (#09RZ048), an initial and final planned commercial development application (#09PD051), a preliminary plat application (#09PL066) and a subdivision variance application (#09SV021). The applicant intends to locate the Pizza Ranch on the proposed lot.

The Adopted Comprehensive Land Use Plan indicates that this property is appropriate for medium density residential land uses. The Future Land Use Committee reviewed the request and recommends approval of the amendment to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development.

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.*

One of the goals of the adopted 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. The Future Land Use Committee noted that this property was located adjacent to existing commercially developed. Amending the Comprehensive Plan from Medium Density

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Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development will allow new businesses in the area and further expand the economic base of the City. As such, the proposed change from residential land uses to commercial land uses 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 various changes to the neighborhood that warrant the support of the proposed commercial expansion. Luna Avenue is nearing completion and anticipated to connect to the extension of East Anamosa Street from its terminus just east of LaCrosse Street. Additionally, the construction of East Anamosa Street from the current terminus east of LaCrosse Street to East North Street is anticipated to be constructed within the near future. This proposed road extension effectively creates development areas in close proximity to Rushmore Crossing. The applicant has proposed to change the land use designation in order to bring additional commercial development to the area. The proposed change from residential land uses to general commercial land uses appears to be consistent with the changing conditions of the surrounding neighborhood.

- 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 immediately adjacent to Eglin Street. Land located south and east of the property is zoned General Commercial District with a Planned Development Designation overlay and General Agriculture District. Land located north and west of the property is zoned General Commercial District with a Planned Commercial Development overlay. The General Agriculture District is considered a holding zone until appropriate land uses are identified. The proposed amendment to change the land use from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development appears to be compatible with the existing uses.

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

There are several retail and motel stores located on the parcels within close proximity including Furniture Row, Scheels Sporting Goods, the AmericInn, and the Comfort Inn. A new banking facility is currently under construction on the parcel to the northwest. However, the adjacent parcels to the northeast and south are currently vacant. City water and sewer are available to the area. The proposed change from residential land uses to commercial land uses would not appear to have any significant adverse effects on the environment, services, facilities or the transportation network.

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

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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 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 water is available through City services. The local road network is adjacent to the property. The adjacent property to the north, south and east is zoned General Commercial District. 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 been posted on the property and the receipts from the certified mailing have been returned. Staff has received one inquiry regarding the proposal.

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