

STAFF REPORT
October 27, 2005

No. 05CA038 - Comprehensive Plan Amendment to the Future Land Use Plan from General Commercial to Low Density Residential II **ITEM 31**

GENERAL INFORMATION:

PETITIONER	Dream Design International for Thomas O'Meara
REQUEST	No. 05CA038 - Comprehensive Plan Amendment to the Future Land Use Plan from General Commercial to Low Density Residential II
EXISTING LEGAL DESCRIPTION	Part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 Right-of-Way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.98 acres
LOCATION	4080 Tower Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Commercial District
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/30/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Comprehensive Plan Amendment to the Future Land Use Plan from General Commercial to Low Density Residential II be denied without prejudice.

GENERAL COMMENTS: This developed property contains approximately 2.98 acres and is located adjacent to Tower Road on the west and U.S. Highway 16 on the east. Land located north and east of the subject property is zoned General Commercial District. Land located south of the subject property is zoned General Agriculture District. Land located

STAFF REPORT
October 27, 2005

No. 05CA038 - Comprehensive Plan Amendment to the Future Land Use Plan from General Commercial to Low Density Residential II **ITEM 31**

west of the property is zoned Park Forest District. Applications for a Rezoning from General Commercial to Low Density Residential II District (05RZ054), a Preliminary Plat (05PL181), and a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, street light conduit along U.S. Highway 16 (05SV069) have also been submitted in conjunction with the Comprehensive Plan Amendment for the subject 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 both the levels of demand in the market and to the orderly extension and efficient use of public improvements, infrastructure, and services. The objective is to encourage in-fill and full utilization of properties and avoid scattered or strip residential, commercial and industrial development outside the urban areas. The subject property is located within an area that is developed as a motel and a manager's residence for the motel. The property owner plans to re-plat the property into two lots, one for the commercial use and one for the residential use. Additional development is not anticipated at this time.

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

The subject property is located within an area that is developed as commercial uses. A motel and a caretaker structure are currently located on the property. This area currently has a mixture of commercial and residential uses. The property owner has submitted a Preliminary Plat to subdivide the property into a commercial parcel and a residential parcel and has plans to sell the commercial parcel. As the property is currently zoned General Commercial, the portion of the property that will be subdivided into residential property needs to be rezoned for residential use.

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

The property located north and east of the subject property is currently zoned General Commercial District. Property located west of the subject property is zoned Park Forest.

STAFF REPORT
October 27, 2005

No. 05CA038 - Comprehensive Plan Amendment to the Future Land Use Plan from General Commercial to Low Density Residential II **ITEM**

Property located south of the subject property is zoned General Agriculture. The proposal to rezone the subject property to Low Density Residential II District appears to create an island of Low Density Residential. The subject property is located adjacent to Tower Road on the west and U.S. Highway 16 on the east. An island of Low Density Residential land use does not appear to be compatible with the surrounding land uses.

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

The subject property is adjacent and has access to Tower Road and U.S. Highway 16. The proposed Low Density Residential II land use would generally have a less intense effect on surrounding properties than the existing General Commercial land use designation.

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 area that is commercially developed. The proposed amendment would change the subject property to a residential use only and would not allow continued commercial development. Low Density Residential land use along the major corridor into the City does not appear to be an orderly development pattern and not an appropriate land use for the subject property.

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.*

Commercial development is currently established in the area. Staff has not identified any significant adverse effects that the Comprehensive Plan Amendment would have on the surrounding area or on the City.

Staff has reviewed an alternative Office Commercial land use for the subject property as a transitional buffer from the surrounding General Commercial land uses and the Park Forest land uses adjacent to the property. In discussion with the applicant's representative, he concurs with that alternative. The owner is recommending that this application be denied without prejudice. An application changing the land use from General Commercial to Office Commercial will be submitted in the future.

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 October 27, 2005 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

Staff recommends that the Amendment to the Comprehensive Plan to change the land use from General Commercial to Low Density Residential II be denied without prejudice.