

STAFF REPORT  
November 23, 2005

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**No. 05CA042 - Amendment to the Comprehensive Plan to change the Future Land Use designation on an .801 acres parcel from General Commercial to Office Commercial** **ITEM 21**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Thomas O'Meara
REQUEST	<b>No. 05CA042 - Amendment to the Comprehensive Plan to change the Future Land Use designation on an .801 acres parcel from General Commercial to Office Commercial</b>
EXISTING LEGAL DESCRIPTION	Beginning at the southwest corner of that part of Lot D of Lot C of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, lying west of the highway, which is a Steel T-Bar, which is the true point of beginning: Thence; N07°00'00"E, a distance of 240.27 feet, Thence: S80°49'43"E, a distance of 194.54 feet, Thence; S48°11'14"W, a distance of 54.37 feet, Thence; S14°14'34"W, a distance of 176.10 feet, Thence; S89°46'44"W, a distance of 137.49 feet, to the true point of beginning; all located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.801 acres more or less
PARCEL ACREAGE	Approximately .801 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	10/28/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Amendment to the Comprehensive Plan to change the Future Land Use designation on an .801 acres parcel from General Commercial to Office Commercial be approved.

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GENERAL COMMENTS: This developed property contains approximately .801 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 west of the property is zoned Park Forest District. An application for a Rezoning from General Commercial to Office Commercial District (05RZ059) has been submitted in conjunction with the Comprehensive Plan Amendment for the subject property. 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) were approved by the City Council on November 7, 2005. A Comprehensive Plan Amendment (05CA043) and a rezoning (05RZ060) application for property adjacent to the subject property have been submitted as companion items to 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 was part of a larger parcel that is the location of a motel and a manager's residence. The property owner recently submitted a Preliminary Plat to re-plat the subject property from the larger parcel. The subject property is the manager's residence and a residential use. As such, a Rezoning and Comprehensive Plan Amendment applications are requested to comply with the Rapid City Municipal Code. 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 with commercial and residential uses. A caretaker structure is currently located on the property. The property

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owner recently submitted a Preliminary Plat to subdivide a larger commercial property into a commercial parcel and a residential parcel as part of the sale of the commercial parcel. Subdividing the larger property will result in separating the accessory residential use to the permitted commercial use. As such, the applicant is requesting the rezoning to bring the property into compliance with the zoning ordinance.

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. Property located south of the subject property is zoned General Agriculture. The subject property is located adjacent to Tower Road on the west and U.S. Highway 16 on the east. The applicant recently submitted a rezoning application to rezone the subject property from General Commercial District to Low Density Residential II District. An island of Low Density Residential land use did not appear to be compatible with the surrounding land uses. As such, the applicant requested that the previous application be denied without prejudice to allow the applicant to submit the current proposal to rezone the subject property to Office Commercial District. Office Commercial District allows residential uses within that district and is more compatible with the surrounding general commercial 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 to and has access to Tower Road and U.S. Highway 16. The proposed Office Commercial 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 allow the residence to remain and allow possible continued commercial development in the future. Office Commercial land use along the major corridor into the City appears to be an orderly development pattern and 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. 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 appears to be appropriate. Staff has not identified any significant adverse effects that the Comprehensive Plan Amendment would have on the surrounding area or on the City.

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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 November 23, 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 Office Commercial be approved.