

STAFF REPORT
October 5, 2006

No. 06CA026 - Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development

ITEM 38

GENERAL INFORMATION:

PETITIONER

Dan Wilson for Site Work Specialists

REQUEST

No. 06CA026 - Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development

EXISTING

LEGAL DESCRIPTION

Parcel "B" located in the SE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning being coincident of the southeasterly angle point corner of Lot 6, Block 1, Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117", said point of beginning bears N14°47'32"E a distance of 83.36 feet from the northeasterly angle point corner of Lot 6 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S14°47'32"W and a distance of 462.12; Thence Second Course: along a line with a bearing of N47°07'10"W and a distance of 473.75 feet; Thence Third Course: along a line with a bearing of N51°24'18"W and a distance of 360.81 feet; to an intersection with southerly line of Lot 9 of Block 1 of Tower Ridge 2 Subdivision; Thence Fourth Course: along southerly line of Tower Ridge 2 Subdivision with a bearing of S62°12'23"E and a distance of 498.86 feet; to the southeast corner of Lot 7 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117"; Thence Fifth Course: along the southerly line of Lot 6 Block 1 of Tower Ridge 2 Subdivision with a bearing N66°39'36"E and a distance of 333.09 feet to the point of beginning.

PARCEL ACREAGE

Approximately 2.336 acres

STAFF REPORT
October 5, 2006

No. 06CA026 - Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development

ITEM 38

LOCATION	Northeast of the intersection of Promise Road and South Highway 16
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Park Forest District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/24/2006
REVIEWED BY	Vicki Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be approved.

GENERAL COMMENTS:

(Update, September 29, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 21, 2006 Planning Commission meeting to be heard after a neighborhood informational meeting held on September 25, 2006. Approximately 45 people attended the meeting. Staff presented the four associated applications and discussion followed regarding the applications and notification requirements.

The applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation of the subject property from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. In addition, the applicant has submitted a Rezoning request to change the zoning designation of the subject property from Office Commercial District to General Commercial District. (See companion item #06RZ030.)

The subject property consists of 2.336 acres and is part of a 32.25 acre unplatted balance located directly east of the Tower Ridge No. 2 subdivision. The applicant has also submitted a Rezoning request to change the zoning designation on a 1.634 acre portion of the 32.25 acre unplatted balance from Office Commercial District to General Commercial

STAFF REPORT
October 5, 2006

No. 06CA026 - Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development

ITEM 38

District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation of the 1.634 acres from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. (See companion items #06RZ029 and 06CA025.)

On June 3, 2002, the City Council approved a Rezoning request to change the zoning designation on 14.726 acres from General Agriculture District to Office Commercial District. In addition, a Planned Development Designation was approved for the subject property. The 14.726 acres included that property currently platted as "Tower Ridge Subdivision No. 2" and the subject property. In October of 2002, the City Council approved a Rezoning request to change the zoning designation of Tower Ridge Subdivision No. 2 from Office Commercial District to General Commercial District.

The subject property is located directly south of Tower Ridge Subdivision No. 2 and is currently void of any structural 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.

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 adopted goals of the Future Land Use Plan is to encourage compact and contiguous growth within the City that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. Full utilization of properties currently served by infrastructure is encouraged. The purpose of the General Commercial District as stated in the Zoning Ordinance is to provide for personal and business services and the general retail business of the City. The location of the property in close proximity to the intersection of two major arterial roadways make it a desirable location for general commercial activities serving the general retail business needs of the community.

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

There does not appear to be substantially changed or changing conditions within this area.

STAFF REPORT
October 5, 2006

No. 06CA026 - Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development

ITEM 38

As noted above, the property located directly north of the subject property, known as "Tower Ridge Subdivision No. 2", was rezoned from Office Commercial District to General Commercial District in 2002. At that time, staff encouraged the property owner to include the subject property in the Rezoning application. In 2003, Preliminary and Final Plat(s) were approved creating the Tower Ridge Subdivision No. 2 into ten commercial lots. As a part of the platting, City sewer and water as well as a commercial street have been extended into the area.

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

An approximate 70 foot ravine located along the south lot line of the subject property separates the subject property from the existing and proposed residential development(s) located east of the subject property. In addition, the properties located directly north, south and west of the subject property are currently zoned General Commercial District. The topographic differential between the commercial properties and the residential properties serves as a separation and buffer between land use(s). As such, staff believes that the proposed amendment is compatible with existing and proposed uses surrounding the subject property. The additional review provided by a Planned Commercial Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. In particular, the Planned Commercial Development must address traffic concerns and topographic and drainage concerns specific to the subject property.

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

City sewer and water have been extended into this area as a part of the development of Tower Ridge No. 2 Subdivision. In addition, the subject property is located along U.S. Highway 16, a principal arterial street. As such, staff has not identified any significant adverse impacts that will result from the requested rezoning. The additional review provided by a Planned Commercial Development process will insure that adequate water and sewer exits to meet the needs of the specific proposed commercial use. In addition, the Planned Commercial Development review will address traffic concerns and topographic and drainage concerns specific to the subject property.

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

As noted above, the properties located north, south and west of the subject property are currently zoned General Commercial District. The proposed amendment will allow for the continuation of the established general commercial development pattern. In addition, the 70 foot ravine located along the south lot line of the subject property serves as a buffer between

No. 06CA026 - Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development

ITEM 38

the commercial use(s) and the existing and proposed residential development(s) located east of the subject property resulting 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.*

Staff has not identified any adverse effects that the Comprehensive Plan Amendment will have on the surrounding area or on the City with the assistance of the Initial and Final Planned Commercial Development. As noted above, an approximate 70 foot ravine separates the subject property from the existing and proposed residential development(s) located east of the subject property. In addition, the properties located directly north, south and west of the subject property are currently zoned General Commercial District. The topographic differential between the commercial properties and the residential properties serves as a separation and buffer between land use(s).

Notification Requirement: **The sign has been posted on the property and the certified mailing receipts have been returned to the Growth Management Department. Staff has received several calls inquiring about the proposal. A majority of the callers voiced opposition to the proposed request. The balance of the callers did not indicate if they opposed or supported the request. In addition, several area property owners attended the September 21, 2006 Planning Commission meeting and voiced opposition to the request.**