

STAFF REPORT
November 9, 2006

No. 06CA041 - Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development **ITEM 66**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for B&T Investments
REQUEST	No. 06CA041 - Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	<p>A portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course:</p>

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northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning

PARCEL ACREAGE	Approximately 4.810 acres
LOCATION	At the northwest corner of the intersection of Sheridan Lake Road and Corral Drive
EXISTING ZONING	Medium Density Residential District (Planned Unit Development)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District (Planned Unit Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/29/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff 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 denied.

GENERAL COMMENTS: This staff report has been revised as of October 31, 2006. All revised and/or added text is shown in bold print. This item was continued to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met. The applicant is requesting an Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development. In addition, the applicant has requested that the subject property be rezoned from Medium Density Residential to General Commercial (06RZ040) and a Major Amendment to a Planned Unit Development (06PD082).

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The subject property is located north of Corral Drive and west of Sheridan Lake Road. Currently, the subject property is zoned Medium Density Residential and there is no structural development located on the property.

On October 20, 1997 City Council approved a Final Development Plan (#1624) with stipulations for the subject property.

STAFF REVIEW: The Rapid City Journal staff has notified City staff that the legal notification for the Comprehensive Plan Amendment was not published in the newspaper ten days prior to the Planning Commission meeting as required. As such, staff is recommending that this item be continued to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.

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 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 subject property is located in the center of an established residential neighborhood. Rezoning the property and subsequently amending the comprehensive plan as proposed will result in spot zoning. In particular, spot zoning occurs when a small area of land or section in an existing neighborhood is singled out and treated differently from similarly situated property. Spot zoning can create incompatibility between land uses and, as such, land use planning maps are adopted to guide the orderly growth of the community. The City's Future Land Use Plan identifies the subject property and the surrounding neighborhood as residential. As such, the proposed zoning is not consistent with the intent and purposes of the Zoning Ordinance.

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

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On September 5, 1995 City Council approved rezoning the subject property from General Agriculture to Medium Density Residential (Ordinance #3224). However, a petition was filed by the neighboring landowners to overturn the rezoning pursuant to SDCL 11-4-5. On February 26, 1997 the South Dakota Supreme Court issued an opinion finding SDCL 11-4-5 unconstitutional. The rezoning became effective March 3, 1997. Staff is unaware of any change in conditions that would justify the Rezoning and/or Comprehensive Plan request.

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

The properties to the south and east are zoned Low Density Residential District, the property to the north is zoned General Agriculture and the property to the west is zone Medium Density Residential with a Planned Unit Development. In addition Corral Drive Elementary School and Southwest Middle School is located approximately 1,000 feet to the west of the subject property. There is an existing Planned Unit Development on the subject property to serve as a tool to mitigate any noise, odor, vibration, light and land use nuisances that may be created with commercial use(s). However, staff is concerned with the introduction of commercial use(s) into an otherwise residential neighborhood. As such, allowing general commercial use in an existing residential development is not compatible with the existing surrounding land uses.

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

Currently, sewer mains and water mains are located in the streets on three sides of the subject property. It appears that there is sufficient water and sewer to serve the subject property for the uses allowed in both the Medium Density Residential District and the General Commercial District.

As noted above, there is an existing Planned Unit Development on the subject property to serve as a tool to mitigate any noise, odor, vibration, light and land use nuisances that may be created with office commercial use(s). However, Public Works staff noted that a left turn lane on Sheridan Lake Road would be needed to accommodate the additional traffic and staff is concerned with the introduction of commercial use(s) into an otherwise residential neighborhood. In particular, pedestrians walk and children play along the streets in a residential neighborhood. The additional commercial traffic into the area may create safety issues for the pedestrians and residents. As such, rezoning the property as proposed may adversely affect this area of the City.

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

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As noted above, the properties to the south and east are zoned Low Density Residential District, the property to the north is zoned General Agriculture and the property to the west is zone Medium Density Residential with a Planned Unit Development. Staff has concerns that the proposed rezoning of the subject property would create spot zoning and would not 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.

The subject property is currently served with City sewer and water as well as private utilities in compliance with the community facilities plan. The Major Street Plan identifies Sheridan Lake Road as a principal arterial street, Corral Drive as a minor arterial street and Severson Street as a proposed collector street. Introducing commercial uses as proposed may negatively affect traffic through this area of the City and may create safety issues for the pedestrians and residents.

Notification Requirement: The sign has been posted on the property and the certified mailing receipts have been returned to the Growth Management Department.