

STAFF REPORT  
November 22, 2006

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**No. 06CA036 - Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street**      **ITEM 42**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for Franklin O. Simpson
REQUEST	<b>No. 06CA036 - Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street</b>
EXISTING LEGAL DESCRIPTION	A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81 feet along the west line of said Tract B to the Point of Beginning.
PARCEL ACREAGE	Approximately 5.39 acres
LOCATION	South of Harmony Heights Lane
EXISTING ZONING	Medium Density Residential District - General Agriculture District
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)

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South: Medium Density Residential District  
East: Medium Density Residential District  
West: General Agriculture District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 9/29/2006

REVIEWED BY Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street be approved.

GENERAL COMMENTS:

**(Update, November 10, 2006. All revised and/or added text is shown in bold print.) This item was continued at the November 9, 2006 Planning Commission meeting to allow the applicant to meet with the adjacent property owner to discuss access issues. In particular, the adjacent property owner has indicated that access through the subject property should be provided as a part of Phase One of the development and not as a part of a later phase. Please note that no other part of this Staff Report has been revised.**

(Update October 28, 2006. All revisions to this report are shown in bold.) This item was continued to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met. Please note that the notification requirement has been met.

The applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a minor arterial street located along the western portion of the subject property. The applicant has also submitted a Layout Plat to subdivide a portion of the subject property into 22 townhome lots leaving two non-transferable unplatted balances. In addition, the applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width along Sunny Springs Drive from 27 feet to 24 feet. The applicant has also submitted an Initial and Final Planned Residential Development to allow 22 townhomes to be constructed on the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to the North Rapid Neighborhood Area Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development. The applicant has also submitted a Rezoning request to change the zoning designation of the subject property from General Agriculture District to Medium Density Residential District. In addition, the applicant has submitted a Planned Development Designation for the subject property. (See companion items 06SV050, 06PD061, 06CA024, 06RZ028 and 06PD062.)

On October 5, 2006, the Planning Commission recommended to deny without prejudice a Comprehensive Plan Amendment to the Major Street Plan to relocate two minor arterial

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streets. This item was subsequently denied without prejudice by the City Council at their October 16, 2006 City Council meeting. (See companion item #06CA033.)

The property is located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive. Currently, a single family residence is located on the property.

**STAFF REVIEW:**

Staff has reviewed the Comprehensive Plan Amendment to the Major Street Plan and has noted the following considerations:

**North-South Minor Arterial Street:** The Major Street Plan identifies a north-south minor arterial street extending from the southwest corner of the associated Layout Plat to S. Plaza Drive. The applicant is proposing to relocate the minor arterial street approximately 165 feet west of its current location. The previously submitted Comprehensive Plan Amendment to the Major Street Plan proposed to relocate two arterial streets, including this arterial street. However, the applicant was proposing to relocate portions of the arterial streets on adjacent properties, under different ownership than the subject property. The adjacent affected property owners indicated opposition to the proposed realignment(s). Relocating the street to the west as shown on this application continues to place the street on the applicant's property. In addition, the applicant has submitted a site plan showing the alignment of the arterial street with the proposed realignment of the Harmony Heights Lane/Plaza Drive intersection. The realigned intersection brings four street sections together at 90 degree angles compared to its current constructed design with an intersecting street along a curved street radius. The applicant has also demonstrated that the topography within this area supports the street construction. In addition, the street will continue to provide access to the properties located south of the subject property. As such, staff is recommending that the Comprehensive Plan Amendment to relocate the arterial street be approved.

**Notification Requirement:** As of this writing, the receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received three telephone calls of inquiry. None of the callers voiced opposition to the request.