

STAFF REPORT
May 10, 2007

No. 07CA012 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development

ITEM 37

GENERAL INFORMATION:

PETITIONER enVision Design, Inc. for Plum Creek Development LLC

REQUEST **No. 07CA012 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development**

EXISTING LEGAL DESCRIPTION A tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres, more or less.

PARCEL ACREAGE Approximately 34 acres

LOCATION Southeast of the intersection of Elk Vale Road and Willowbend Road

EXISTING ZONING General Agriculture District

SURROUNDING ZONING
North: Low Density Residential II District (Planned Residential Development)
South: Limited Agriculture District (Pennington County)
East: Low Density Residential II District (Planned Residential Development)
West: General Agriculture District – General Commercial District (Planned Commercial Development)

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PUBLIC UTILITIES City sewer and water
DATE OF APPLICATION 3/9/2007
REVIEWED BY Karen Bulman / Todd Peckosh

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved for a reduced area with the following stipulation: Prior to City Council approval the applicant shall submit a revised legal description for the reduced area.

GENERAL COMMENTS: This staff report has been revised as of May 3, 2007. All revised and/or added text is shown in bold print. This application was continued at the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Comprehensive Plan Amendment. This property contains approximately 34 acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned General Agriculture District. Land located north and east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located south of the subject property is zoned Limited Agriculture District by Pennington County. Land located west of the subject property is zoned General Agriculture District. In addition to this application for an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development, the applicant has submitted a Rezoning from General Agriculture District to General Commercial District (07RZ017). In addition, the applicant has submitted two Comprehensive Plan Amendments to change the land use from General Agriculture to General Commercial with a Planned Commercial Development (07CA013 and 07CA017) and one Comprehensive Plan Amendment to change the land use from General Agriculture to Office Commercial with a Planned Commercial Development (07CA011). Three rezoning applications also accompany the Comprehensive Plan Amendments. The applicant requests to rezone one property from General Commercial District to Office Commercial District (07RZ016), one property from Office Commercial District to General Commercial District (07RZ018), and one property from Low Density Residential II District to General Commercial District (07RZ028).

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.

The applicant has requested four Rezoning and four Comprehensive Plan Amendments for the subject property and adjacent properties. The Future Land Use Committee has scheduled a meeting on March 30, 2007 to review the Comprehensive Plan Amendment as

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well as the other applications for the surrounding property. As such, staff recommends that this application be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the Comprehensive Plan Amendment and provide the Planning Commission with a recommendation.

The Future Land Use Committee met on March 30, 2007 and will review this application again on April 27, 2007. As such, Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be continued to the May 10, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Comprehensive Plan Amendment. (Revised April 16, 2007)

The Future Land Use Committee met on April 27, 2007 and reviewed this Amendment to the Comprehensive Plan. This zoning was the result of significant discussions and compromises with the previous owners, Ray Elliott and Owen Emme. While the property is now owned by a different LLC, Mr. Elliott remains an owner. The request for additional general commercial zoning at this location was not approved previously.

The draft Southeast Connector Future Land Use Plan indicates that the subject property is appropriate for Planned Residential Development with 6.7 dwelling units per acre land uses.

The Future Land Use Committee 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 the Future Land Use Committee 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 preserve and enhance the existing economic base of Rapid City to achieve continued and well balanced economic development and employment opportunities. The objective is to provide for the location of employment areas at sites which are convenient to existing and proposed residential areas and accessible from the existing or proposed transportation system. The subject property is adjacent to residential property on the north and east and agriculture property on the west and south. Changing the land use on the entire parcel from General Agriculture to General Commercial with a Planned Commercial Development will remove a significant buffer between residential and general commercial land uses. However, the area adjacent to the proposed intersection of Minnesota Street and Elk Vale Road is an appropriate location for commercial uses. The Future Land Use Committee recommends that the Comprehensive Plan changes to General Commercial land uses with a Planned Commercial Development along the western portion of the property located along Minnesota Street be approved. The

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Future Land Use Committee recommends that the Comprehensive Plan Amendment be denied for the portion of property along the eastern boundary and allow the applicant to request a change for this portion of the property to Office Commercial land uses. This will provide a buffer between the Residential and General Commercial land uses. Prior to City Council approval, the applicant should submit a revised legal description for the reduced area along the western portion of property recommended by the Future Land Use Committee as appropriate for General Commercial land uses with a Planned Commercial Development.

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

Currently, the property is unoccupied. No changed condition within the surrounding neighborhood, including the subject property has been identified that warrants the proposed change.

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

The subject property is located adjacent to residential land uses to the north and east, agriculture land uses to the south and general commercial land uses to the west. The proposed amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development appears to be incompatible with the residential uses adjacent to the eastern portion of the subject property and would not provide a buffer for the future residential land uses. However, an amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development appears to be compatible with the commercial uses adjacent to the western portion of the subject property.

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

The subject property is currently undeveloped. Water and sewer will need to be extended as development occurs. The lift station for this area is currently near capacity. Minnesota Street is proposed to be extended through this subject property. The proposed amendment has the potential to have an adverse effect on the surrounding properties. Care will need to be taken during the design of the subdivision to insure that those effects are adequately addressed.

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 undeveloped area. Infrastructure needs and permanent street connections will need to be completed prior to future development. The proposed amendment will allow general commercial uses adjacent to the

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proposed Minnesota Street. The Future Land Use Committee found that the proposed change will 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.

Changing the land use to general commercial will potentially increase traffic and noise and put a burden on the local streets and sewer system currently in place. The Future Land Use Committee found that the proposed amendment will adversely affect adjacent established residential areas as well as any future residential or commercial development in the area.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries and objections regarding the proposed request at the time of this writing. An adjacent property owner has submitted a letter requesting that the Amendment to the Comprehensive Plan to change the land use from General Agriculture to General Commercial with a Planned Commercial Development not be allowed.

The Future Land Use Committee met on April 27, 2007 and had serious concerns about the requested Amendment to the Comprehensive Plan due to the general commercial land uses encroaching into the residential neighborhood. However, they found that the area adjacent to the proposed intersection of Minnesota Street and Elk Vale Road is an appropriate location for commercial uses. As such, the Future Land Use Committee recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved for a revised legal description for the western portion of the subject property. (Revised May 3, 2007)