

STAFF REPORT

June 21, 2007

No. 07CA026 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development

ITEM 19

GENERAL INFORMATION:

PETITIONER enVision Design Inc. for Plum Creek Development, LLC

REQUEST **No. 07CA026 - 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: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N89°58'32"E along the south line of said SW1/4 of Section 16, a distance of 1,322.78 feet to the east line of the SW1/4 of said SW1/4; the true point of beginning; Thence N00°01'14"W along said east line a distance of 435.13 feet; thence S45°34'07"E a distance of 416.97 feet to a point on a curve from which the radius of said curve bears N44°25'54"E a distance of 500.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet to said south line of the SW1/4; Thence departing said curve S89°58'32"W along said south line a distance of 647.84 feet to the true point of beginning, containing an area of 2 acres more or less

PARCEL ACREAGE Approximately 2 acres

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

EXISTING ZONING Low Density Residential II District

SURROUNDING ZONING
North: Low Density Residential II District
South: General Agriculture District
East: Low Density Residential II District
West: General Agriculture District

PUBLIC UTILITIES City water and sewer

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DATE OF APPLICATION 5/25/2007

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 in conjunction with the associated Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development.

GENERAL COMMENTS: This property contains approximately two acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned Low Density Residential II District. Land located north and east of the subject property is zoned Low Density Residential II District. Land located south of the and 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 Low Density Residential II District to General Commercial District (07RZ045). In addition, the applicant has submitted a Comprehensive Plan Amendment to change the land use on adjacent property from General Agriculture to General Commercial with a Planned Commercial Development (07CA025) and a Comprehensive Plan Amendment to change the land use from General Agriculture to Medium Density Residential with a Planned Residential Development (07CA027). Two rezoning applications also accompany the Comprehensive Plan Amendments. The applicant requests to rezone one property from General Agriculture District to General Commercial District (07RZ044) and one property from Low Density Residential II District to Medium Density Residential District (07RZ046).

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 Future Land Use Committee met on March 30, 2007 and April 27, 2007 to discuss previous Amendments to the Comprehensive Plan and Rezoning applications. Those applications were denied and denied without prejudice at the Planning Commission meeting of May 24, 2007 to allow the applicant to revise his master plan and submit future applications.

The applicant is now requesting three Rezoning and three Comprehensive Plan Amendments for the subject property and adjacent properties. The Future Land Use Committee met on June 1, 2007 to review the Comprehensive Plan Amendment as well as

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the other applications for the surrounding property. The current 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, agriculture property on the south and west. The applicant has applied to rezone the property adjacent to the north and east from Low Density Residential II District with a Planned Residential Development to Medium Residential District with a Planned Residential Development as a buffer between the single family residential uses and the general commercial uses. The Future Land Use Committee indicated that the area adjacent to the proposed intersection of Minnesota Street and Elk Vale Road is an appropriate location for commercial uses. This small two acre property is located adjacent to the proposed General Commercial land uses to the west and will be located south of the future extension of Minnesota Street.

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

Currently, the property is unoccupied. The Future Land Use Committee did not identify any changing condition within the surrounding neighborhood, including the subject property 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 west. The Future Land Use Committee indicated that the proposed amendment to change the land use from General Agriculture to General

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Commercial with a Planned Commercial Development appears to be compatible with the proposed medium density residential uses adjacent to the eastern portion of the subject property if the amendment is approved in conjunction with the approval of the associated Amendment to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development as a buffer between the current and future single family residential land uses and the proposed general commercial land uses. The Future Land Use Committee found this application for an amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development to be compatible with the commercial uses adjacent to the western portion of the subject property. The Future Land Use Committee indicated that there may be some negative impacts to adjacent residential property, but further indicated that those impacts could be mitigated through a Planned Commercial Development on the subject property. The applicant has submitted a Planned Development Designation in conjunction with the Rezoning and Comprehensive Plan Amendment applications.

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 along the northern boundary of the subject property. The proposed amendment has the potential to have an adverse effect on the surrounding properties due to the increase in waste water volumes that may result from some types of commercial development. 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 property is currently undeveloped although located in close proximity to new residential development. Infrastructure improvements and permanent street connections will need to be completed prior to future development. The proposed amendment will allow general commercial uses adjacent to the 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 may put a burden on the local streets and sewer system currently in place. However, the Future Land Use Committee found that the Initial and Final Planned Commercial Development will serve as a tool to address those issues and will help mitigate any potential negative impacts the commercial use may have on the existing residential land uses adjacent to the subject property. The Future Land Use Committee found that the proposed

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amendment will not adversely affect adjacent established residential areas or any future residential or commercial development in the area if the amendment is approved in conjunction with the approval of the associated Amendment to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development.

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 has received several inquiries but no objections regarding the proposed request at the time of this writing.

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 in conjunction with the associated Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development.

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