

STAFF REPORT
July 26, 2007

No. 07CA008 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial

ITEM 42

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07CA008 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial
EXISTING LEGAL DESCRIPTION	Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.83 acres
LOCATION	Southwest of the intersection of Elk Vale Road and Creek Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	No Use District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/9/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

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 be denied without prejudice.

GENERAL COMMENTS:

This staff report has been revised as of July 18, 2007. All revised and/or added text is shown in bold print. This item was continued at the July 5, 2007 Planning Commission to allow the Future Land Use Committee to meet on the requested Amendment. The Future Land Use Committee considered this item on July 20, 2007 and the Future Land Use Committee recommended that this item be denied without prejudice.

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The applicant has submitted an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial. This undeveloped property contains approximately 4.83 acres and is located southwest of the intersection of Elk Vale Road and Creek Drive. In addition, the applicant has submitted a Rezoning (07RZ012) request to change the zoning designation of the subject property from No Use District to General Commercial District. Land located south, east, and west of the subject property is zoned No Use District. Land located north of the subject property is zoned General Agricultural District. The Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses and the Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Office Commercial land uses with a Planned Development Designation.

On June 7, 2004 City Council approved an Annexation (04AN003) that included the subject property and temporarily placed the area in a No Use Zoning District.

On March 20, 2006, City Council approved a Preliminary Plat (06PL004) with stipulations that included the subject property.

On November 21, 2006 a Final Plat (06PL173) was approved for the subject property.

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 goals of any Future Land Use Plan is to encourage compact and contiguous growth along the City's fringe 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. It appears the proposed zoning would create an area of strip General Commercial development and would not encourage compact and contiguous growth along the City's fringe. The proposed amendment will create an area of spot zoning that is not consistent with the projected land uses identified for the adjacent properties in either the adopted Future Land Use Plan or the draft Future Land Use Plan.

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

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Water and sewer are currently being extended into the subject property. In addition, the construction of the Southeast Connector warrant changes to the land use in the area. However, concerns have been identified during the development of the Southeast Connector Neighborhood Future Land Use Plan with the impact of strip General Commercial development along the entire Southeast Connector. In particular, the high volumes of traffic generated by the General Commercial zoning could create congestion on the street network.

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

The areas to the north and west of the subject property are currently developed with various industrial uses. The areas to the south and east are currently used as agricultural land with the potential to be developed as residential in the future. The proposed General Commercial development will not provide an adequate buffer between the residential land uses in the vicinity and could create congestion on the existing and proposed street network.

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

Water and sewer improvements are currently being extended to the subject property. Concerns have been identified during the development of the Southeast Connector Neighborhood Future Land Use Plan with the impact of strip General Commercial development along the entire Southeast Connector. In particular, the high volumes of traffic generated by the General Commercial zoning could create congestion on the street network. To ensure that adequate buffering was provided, the draft Southeast Connector Future Land Use Plan identifies the area as appropriate for an Office Commercial District with a Planned Development. This will provide a buffer to the adjacent residential land uses in the vicinity. The proposed amendment appears to have the potential to adversely affect the development of the surrounding area.

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

The strip General Commercial development along the Southeast Connector would not result in a logical and orderly development pattern. The draft Southeast Connector Future Land Use Plan identifies the area as appropriate for an Office Commercial District with a Planned Development. The Office Commercial District with a Planned Development would provide a buffer to the adjacent residential land uses in the vicinity and is a more 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.*

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As previously stated, concerns have been identified during the development of the Southeast Connector Neighborhood Future Land Use Plan with the impact of strip General Commercial development along the entire Southeast Connector. In particular, the high volumes of traffic generated by the General Commercial zoning could create congestion on the street network. To ensure that adequate buffering was provided, the draft Southeast Connector Future Land Use Plan identifies the area as appropriate for an Office Commercial District with a Planned Development. This will provide a buffer to the adjacent residential land uses in the vicinity. The proposed amendment appears to have the potential to adversely affect the development of the surrounding area.

This item was continued to the March 22, 2007 Planning Commission meeting to allow the legal notification requirement to be met and to be heard in conjunction with the associated Comprehensive Plan Amendment. This item was continued to the April 5, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Amendment.

The required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be continued to the April 26, 2007 Planning Commission Meeting to allow the Future Land Use Committee to meet on the requested Amendment.

The Future Land Use Committee will consider this item on April 27, 2007 and the Future Land Use Committee is recommending that this item be continued to the May 10, 2007 Planning Commission meeting. This item was continued to the May 10, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Amendment. The Future Land Use Committee has met several times to discuss this request. They have scheduled an additional meeting to discuss the issue with the Economic Development Partnership staff. Staff recommends that this request be continued to the May 24, 2007 Planning Commission meeting to allow the Future Land Use Committee to continue their review of the request.

The Future Land Use Committee met on May 11, 2007 and had serious concerns about the requested Amendment to the Comprehensive Plan due to the general commercial land uses encroaching into an area anticipated for industrial land uses in the future. 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 be denied. (Revised May 15, 2007)

This item was continued to the June 7, 2007 Planning Commission meeting at the applicant's request. This item was continued to the June 21, 2007 Planning Commission meeting at the applicant's request. This item was continued to the July 5, 2007 Planning

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Commission meeting to allow the Future Land Use Committee to meet on the requested Amendment. **This item was continued to the July 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Amendment.**

The Future Land Use Committee met July 20, 2007 and recommended denial of the Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial. The Future Land Use Committee had concerns with the potential conflict with the existing and proposed industrial development, the truck traffic through proposed commercial development into the industrial development, and the strip commercial development along Elk Vale Road. The Future Land Use Committee also noted there is currently an adequate amount of General Commercial property located in the area. The Future Land Use Committee did indicate that in the future if the applicant had a specific use for the property that was not allowed in an Industrial Zoning District that the Future Land Use Committee could reconsider the application at that time.