

STAFF REPORT

July 24, 2008

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**No. 08CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development**

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**ITEM 6**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Homestead Plaza, LLC
REQUEST	<b>No. 08CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	A portion of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ , Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning
PARCEL ACREAGE	Approximately 5.406 acres
LOCATION	East of Elk Vale Road and west of Degeest Drive and south of Berniece Street
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	General Agriculture District

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East:	Medium Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Jared Ball / Karley Halsted

**RECOMMENDATION:**

Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be approved.

**General Comments:**

**(Update, July 15, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City. The applicant has subsequently requested that the associated Preliminary Plat be reviewed and approved in three phases to allow them to address the specific utility service area and capacity issues for each phase of the development.**

The applicant has submitted a request to amend the Adopted Comprehensive Plan to change the land use designation of 5.406 acres from Office Commercial District with a Planned Commercial Development to General Commercial District with a Planned Commercial Development. This undeveloped property is located north of Big Sky Drive, east of Timmons Boulevard, west of Digest Drive and south of Bernice Street. The property to the north is currently zoned Office Commercial District with a Planned Commercial Development. The property to the south is currently zoned General Agriculture District. The property to the east is currently zoned Medium Density Residential District with a Planned Development Designation. The property to west is currently zoned General Commercial District with Planned Development Designation.

An associated Rezone (#08RZ007) to change the zoning designation from Office Commercial District to General Commercial District and a Preliminary Plat (#08PL030) have been filed in conjunction with this request.

**STAFF REVIEW:**

On April 1, 2008, staff met with the applicant to discuss the proposed design and service boundaries of the sanitary sewer system for the development since the southern portion of the property is located within the Rapid Valley Sanitary District service area and the northern portion of the property is located within the City of Rapid City's service area. Staff is

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recommending that the Preliminary Plat be continued to the May 8, 2008 Planning Commission meeting with the applicant's concurrence to allow the service area issue to be addressed. Staff is also recommending that this item be continued to the May 8, 2008 Planning Commission meeting to allow it to be heard in conjunction with the associated Preliminary Plat. In addition, the Future Land Use Committee will consider this request at their April 17, 2008 Future Land Use Committee meeting. The Future Land Use Committee reviewed this request at their April 17, 2008 meeting and indicated that they concur with the request contingent upon the applicant demonstrating an adequate sanitary sewer system to serve the property.

**On July 10, 2008 The Rapid City Planning Commission approved the Phase One Preliminary Plat (File #08PL030). The applicant has demonstrated that an adequate sanitary sewer system to serve the property will be provided through the platting process. In addition, the Planned Development review will serve as another tool to address sanitary sewer concerns specific to the property.**

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. In-fill development and full utilization of properties currently served by infrastructure are encouraged. This change is consistent with the intent of the City's Comprehensive Plan to encourage the orderly extension of contiguous growth along the City's fringe.

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

Six properties in the Homestead Plaza Subdivision are involved in the requested Comprehensive Plan Amendments and Rezones. The applicant is requesting to change the zoning designations and Comprehensive Plan designations on all six of the properties. The extension of Homestead Street and Neal Street along with the continued growth and development in the area constitute the changing conditions that warrant the proposed change in the Comprehensive Plan.

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

As noted above, the applicant is proposing to amend the Comprehensive Plan and Zoning

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Designations for six properties located in the Homestead Plaza Subdivision. The properties included in the proposed Comprehensive Plan Amendments and rezones will be Planned Developments. The additional review provided by a Planned Development process will insure that adequate water and sewer is available to meet the needs of the specific proposed uses. In addition, the Planned Development review will address access concerns and drainage concerns specific to the properties.

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

The development of Elk Vale Road and the surrounding development has resulted in the extension of City water to this area. Homestead Street and Neal Street will be extended to serve the needed road infrastructure in the Homestead Plaza Subdivision. As such, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties if adequate infrastructure is extended in conjunction with the development of the property.

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

Recent growth along Elk Vale Road and the surrounding development that continues to occur in the area is resulting in the demand for more commercial and residential development in this area of the City. The extension of municipal services to the area and the extension of Homestead Street and Neal Street in the area create 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.*

Development issues, including drainage, access, landscape buffers, utilities, and any other issues, will be addressed as a part of the Planned Development Review. In addition, the Staff has not identified any significant adverse affects that would result by rezoning the property from Office Commercial District to General Commercial District, if adequate infrastructure is extended in conjunction with the development of the property. In addition, the Initial and Final Development Plan will serve as a tool to address concerns specific to the property and to mitigate any potential negative impacts the General Commercial use may have on the adjacent properties.

Notification:

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 some inquiries, but no objections regarding the proposed request at the time of this writing.