

STAFF REPORT

July 24, 2008

No. 08CA014 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential

ITEM 12

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	No. 08CA014 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential
EXISTING LEGAL DESCRIPTION	A portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, Thence, first course: S89°55'24"W, a distance of 30.00 feet; Thence, second course: N00°04'43"E, a distance of 8.38 feet; Thence, third course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, fourth course: N20°15'16"W, a distance of 5.25 feet; Thence, fifth course: N69°44'43"E, a distance of 50.69 feet; Thence sixth course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, seventh course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, eighth course: S00°06'38"W, along the section 1/16th line, a distance of 155.91 feet, to a point on the northerly boundary of Block 1 of Neff's Subdivision No. 2; Thence, ninth course: N89°52'44"W, along the northerly boundary of said Block 1 of Neff's Subdivision No. 2, a distance of 235.17 feet, to the northwesterly corner of said Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning
PARCEL ACREAGE	Approximately 0.921 acres
LOCATION	Southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road
EXISTING ZONING	General Agriculture District

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ITEM 12

SURROUNDING ZONING

North: Office Commercial District (Planned Development Designation) - Medium Density Residential District (Planned Residential Development)
South: Suburban Residential District (Pennington County)
East: Suburban Residential District (Pennington County)
West: Suburban Residential District (Pennington County)

PUBLIC UTILITIES City and Rapid Valley Sanitary District Water/Sewer

DATE OF APPLICATION 3/28/2008

REVIEWED BY Jared Ball / Mary Bosworth

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 Low Density Residential 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 Comprehensive Plan to change 0.921 acres from Office Commercial with a Planned Commercial Development to Low Density Residential. This undeveloped property is located west Degeest Drive, east of Sweetbriar Street and south of Big Sky Drive. The properties to the north are currently zoned Office Commercial with a Planned Development Designation and Medium Density Residential with a Planned Residential Development. The properties to the south, east and west are currently zoned Suburban Residential District in Pennington County.

An associated Rezone (# 08RZ012) to change the Future Land Use designation from General Agricultural District to Low Density Residential 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

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portion of the property is located within the City of Rapid City's service area. Staff is 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 18, 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*

STAFF REPORT
July 24, 2008

No. 08CA014 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential

ITEM 12

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

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objections regarding the proposed request at the time of this writing.