

STAFF REPORT
March 5, 2009

No. 09CA003 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public

ITEM 11

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Pennington County Drainage Commission
REQUEST	No. 09CA003 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public
EXISTING LEGAL DESCRIPTION	The unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.245 acres
LOCATION	North of S.D. East Highway 44 and west of Lancer Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	None
DATE OF APPLICATION	2/6/2009
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan by changing the land use designation from General Commercial to Public be approved.

GENERAL COMMENTS: This undeveloped property contains approximately 1.245 acres and is located northwest of Lancer Drive and northeast of South Dakota Highway 44. The Pennington County Drainage Commission purchased the property in 1995 and includes approximately 825 feet of the Hawthorne Irrigation Ditch. The property was annexed effective July 27, 2008 (File #08AN007) and is zoned No Use District.

Land located north, south, east and west of the property is zoned No Use District. The Elk Vale Neighborhood Area Future Land Use Plan indicates that this property is appropriate for General Commercial land uses. An application to rezone the property from No Use District

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to Public District (#09RZ012) has been submitted in conjunction with this Comprehensive Plan Amendment.

The Future Land Use Committee met January 29, 2009 and recommended approval of the Amendment to the Comprehensive Plan to change the land use from General Commercial to Public.

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 ensure the preservation and proper utilization of environmental resources such as soil, water and clean air. Based on this goal, the objective is to prevent development in areas that are environmentally unsuitable for buildings or septic systems, and protect major drainageways, floodplains, steep slopes, or other natural areas from incompatible development which may result in environmental problems. The proposed change is consistent with the intent of the City's Comprehensive Plan goal to encourage protection of drainageways and the Hawthorne Irrigation Ditch.

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

The subject property was annexed into the City limits and zoned No Use District. An application to change the zoning from No Use District to Public District has been submitted in conjunction with this request. The property is currently void of any development but includes the Hawthorne Irrigation Ditch. The annexation of the property and the preservation of the irrigation ditch and potential drainageway is the changing condition warranting the change in land use.

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

Land located north, south, east and west of the property is zoned No Use District following annexation. An application to rezone the adjacent property from No Use to General Commercial has been submitted by the City. The proposed amendment to

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change the land use from General Commercial to Public appears to be compatible with the commercial uses adjacent to the property based on keeping the irrigation ditch and potential future drainageway free from developmental obstruction.

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

The property was purchased in 1995 by the Pennington County Drainage Commission. Encroachment into the Hawthorne Irrigation Ditch by commercial land uses could adversely affect the surrounding property owners and potentially those downstream. The proposed amendment would resolve this potential encroachment and mitigate any significant adverse effect on the surrounding properties.

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

The property is located between undeveloped commercial campground property to the north and developed commercial auto body property to the south. Based on the Pennington County Drainage Commission's action in purchasing the property in 1995, there is a perceived need to protect the irrigation ditch from development encroachments. The proposed amendment will allow the preservation of the irrigation ditch within the City. The existing commercial development adjacent to the property and the existence of infrastructure indicates that the proposed change would protect the property from encroachments and result in a logical and orderly development pattern for the surrounding parcels.

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.*

Protection of the Hawthorne Irrigation Ditch and potential future use as a drainage conveyance will help mitigate potential adverse drainage effects to property downstream. The proposed Comprehensive Plan Amendment will help prevent adverse impacts to other parts of the city by preserving the irrigation ditch and future drainageway if the ditch is ever abandoned.

The Future Land Use Committee met on January 29, 2009 and recommended approval of the Amendment to the Comprehensive Plan to change the land use from General Commercial to Public for this property. The Committee indicated that the change in use would allow the continuation of the existing public use for the property.

As of this writing, the required sign has been posted on the property; however, the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 5, 2009 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.