

STAFF REPORT  
July 9, 2009

---

**No. 09CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development**

---

**ITEM 21**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Edward J. and Patrice Lynch
REQUEST	<b>No. 09CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	336 Meade Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Neighborhood Commercial District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be **denied**.

GENERAL COMMENTS: **This staff report has been revised as of June 30, 2009. All revised and/or added text is shown in bold print. This application was continued to the July 9, 2009 Planning Commission meeting to allow the Future Land Use Committee to review the application and make a recommendation.** This developed property contains approximately 0.16 acres and is located at 336 Meade Street. The property is currently zoned Medium Density Residential District. Land located north, south, and east of the property is zoned Medium Density Residential District. Land located west

STAFF REPORT  
July 9, 2009

---

**No. 09CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development**

---

**ITEM 21**

of the property is zoned Neighborhood Commercial District. A single family residence is currently located on the property.

The Adopted Comprehensive Land Use Plan indicates that this property is appropriate for Residential land uses. At the April 23, 2009 Planning Commission meeting, an application for an Amendment to the Comprehensive Plan to change the land use designation from Residential to Office Commercial (#09CA007) was denied without prejudice to allow the applicant to resubmit a Comprehensive Plan Amendment with a Planned Commercial Development. Applications to rezone the property from Medium Density Residential District to Office Commercial District (#09RZ026) and Planned Commercial Development – Initial and Final Development Plan (#09PD021) have been submitted in conjunction with this Comprehensive Plan Amendment. **The Future Land Use Committee reviewed this application and has recommended that the request be denied as further encroachment of commercial development in a residential neighborhood is not appropriate. (Revised 6-30-09).**

STAFF REVIEW: The Future Land Use Committee has not had an opportunity to review the requested change in the Comprehensive Plan. As such, staff recommends that the Amendment to the Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be continued to the July 9, 2009 Planning Commission meeting to allow the Future Land Use Committee to review the application and make a recommendation.

**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 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's findings are outlined below:**

- 1. Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.***

**A goal of any Future Land Use Plan is to maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods. The objective is to protect stable neighborhoods, prevent encroachment by incompatible commercial uses and maintain suitable buffers between low density residential areas and more intensive nonresidential uses. The Future Land Use Committee indicated that this property was located adjacent to a residentially developed area and separated from the Neighborhood Commercial District by an alley. The Committee indicated that the**

**No. 09CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** **ITEM 21**

---

alley should remain the dividing line between commercial and residential uses. In addition, office commercial land uses are not located in the area. As such, the Future Land Use Committee indicated that encroachment of office commercial land uses in this neighborhood was not appropriate.

In addition, the property is located in the Fifth Street Overlay District, a district designed to preserve and maintain the residential area adjacent and near the Fifth Street corridor. Additional regulations are required in this residential district to protect the single family homes in the area from additional density, traffic, setback, landscaping and parking issues. Additional commercial land use is not consistent with the goals of the Fifth Street Overlay District of preserving the residential area. The Comprehensive Plan Amendment will have a potentially negative impact on the existing neighborhood and may result in conflict.

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

The Future Land Use Committee identified no changes that warrant the additional proposed commercial expansion in the area. The adopted Comprehensive Plan identifies the property as appropriate for residential land uses. The property was zoned Medium Density Residential in 1968. On April 23, 2009, the applicant submitted a Comprehensive Plan Amendment to change the land use from Residential to Office Commercial (#09CA007). The Planning Commission recommended that the application be denied without prejudice to allow the applicant to re-submit a Comprehensive Plan Amendment to change the land use from Residential to Office Commercial with a Planned Commercial Development. In addition to this Comprehensive Plan Amendment, the applicant has re-submitted the rezoning request from Medium Density Residential District to Office Commercial District (#09RZ027) and has submitted a Planned Commercial Development – Initial and Final Development Plan (#09PD021).

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

This property is located adjacent to an area that supports residential land uses. Land located east, north and south of the property is zoned Medium Density Residential District. Land fronting on Fifth Street located west of the property (separated by an alley) is zoned Neighborhood Commercial District. The property is not located adjacent or near other property zoned Office Commercial District. A church and a grade school are located east of the property. The proposed amendment to change the land use from Residential to Office Commercial appears to be incompatible with the residential uses adjacent to the property.

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

STAFF REPORT  
June 25, 2009

---

**No. 09CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development**

---

**ITEM 21**

A residential structure is located on the property and City water and sewer are available to service the residence. Meade Street, a local street, is located adjacent and south of the property. Additional commercial usage may have significant impact on traffic flow and the level of service of the existing street. Noise and traffic from the expansion of commercial uses to this property and encroachment beyond the alley may have a negative impact in the residential neighborhood.

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

The property is located in the Fifth Street Overlay District, a district boundary designed to preserve and maintain the residential area adjacent and near the Fifth Street corridor. The boundaries of the Fifth Street Overlay District are located a block east and west of Fifth Street and along Fifth Street between Fairmont Boulevard and South Street. Additional regulations are required in the Fifth Street Overlay District to protect the single family homes in the area from additional density, traffic, setback, landscaping and parking issues, and commercial encroachment. The encroachment of additional commercial land use will have a negative effect on the residential neighborhood and is not consistent with the goals of the Fifth Street Overlay District of preserving the residential area. The proposed amendment will have a potentially negative impact on the existing neighborhood and may result in conflict. As such, the proposed change within the existing residential area would not 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.*

Sanitary sewer service and adequate water is available through City services. The local road network is adjacent to the property. The adjacent property to the west across the alley is zoned Neighborhood Commercial District. The applicant has submitted an Initial and Final Planned Commercial Development to expand his business and use the property for a parking lot. Alleys have been considered buffers to keep commercial activity from encroaching into residential areas. The Future Land Use Committee has identified that encroachment of commercial land uses, with the addition of noise and traffic, within a residential area could potentially have significant adverse effects on the surrounding area or on the City.

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff received numerous phone calls and objections regarding the previous request in April 2009. The adjacent neighbors and residents of the area had serious concerns with noise and traffic that may be caused by additional commercial use. Staff has received one call regarding the noise currently associated with traffic on Fifth Street at the time of this writing.

STAFF REPORT  
June 25, 2009

---

**No. 09CA009 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development**      **ITEM 21**

---

**The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be denied. (Revised 6-30-09)**