

STAFF REPORT
July 23, 2009

No. 09CA012 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial

ITEM 31

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Royal and Merle Nielsen
REQUEST	No. 09CA012 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial
EXISTING LEGAL DESCRIPTION	That portion of Lot 15 Revised of Hillsvievw Subdivision described as follows: Commencing at the southwest corner of Lot 15 Revised; thence N00°03'23"W 283.51 feet, more or less, to the Point of Beginning; thence N00°03'23"W 198.47 feet, more or less; thence N90°00'00"E 129.91 feet, more or less; thence S00°00'00"E 198.82 feet, more or less; thence N89°50'46"W 129.72 feet, more or less, to the Point of Beginning; located in the NE¼ SE¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.62 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/12/2009
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the adopted Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial be denied.

STAFF REPORT
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ITEM 31

GENERAL COMMENTS: This developed property contains approximately 0.62 acres and is located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north, south and east of the property is zoned No Use District. Land located west of the property is zoned General Commercial District.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land uses. On June 1, 2009, the City Council denied an application to rezone the property from No Use District to Low Density Residential District and indicated an application should be submitted to rezone the property from No Use District to General Commercial District in conjunction with a Comprehensive Plan Amendment to change the land use from Low Density Residential to General Commercial. An application to rezone the property from No Use District to General Commercial District (#09RZ029) has been submitted in conjunction with this application. The Future Land Use Committee reviewed this application again and toured the site on July 2, 2009. The Future Land Use Committee has recommended that the request be denied and indicated that the Low Density Residential land use is more appropriate for this property as well as the adjoining property to the north and east.

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.

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 industrial and commercial uses and maintain suitable buffers between low density residential areas and more intensive nonresidential uses. The Future Land Use Committee indicated that the area suitable for commercial uses along S.D. Highway 44 would have a depth of approximately 300 feet and not extend beyond the natural change in the elevation. This property appears to be considerably longer in depth. The Future Land Use Committee indicated that this property, along with the adjoining property to the north, was located adjacent to a residentially developed area. As such, the Future Land Use Committee indicated that the proposed change to general

STAFF REPORT
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ITEM 31

commercial land use does not meet the overall intent of the comprehensive plan and is not appropriate.

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

The Elk Vale Neighborhood Future Land Use Plan identifies the property as appropriate for Low Density Residential land uses. Prior to annexation, the property was zoned General Commercial by Pennington County. Following the annexation of this property, the City submitted a rezoning request from No Use District to Low Density Residential District, following the adopted Elk Vale Neighborhood Future Land Use Plan. The Council denied the application and indicated that an application should be submitted to change the land use from Low Density Residential to General Commercial. In addition to this Comprehensive Plan Amendment, the City has submitted the rezoning request from No Use District to General Commercial District (#09RZ029). The Future Land Use Committee identified no changes that warrant the proposed General Commercial land use.

- 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 and commercial land uses. Land located west of the property is zoned General Commercial District. The balance of the surrounding property is currently zoned No Use District. The Elk Vale Neighborhood Future Land Use Plan indicates that Low Density Residential land uses are appropriate for the adjacent property to the north and east. The property is located southeast of property zoned Low Density Residential District. The proposed amendment to change the land use from Low Density Residential to General Commercial appears to be incompatible with the residential uses located north of the property.

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

Outdoor equipment storage and construction equipment and material storage is located on the property. The property is located within the Rapid Valley Sanitary District. S.D. Highway 44, a principal arterial street, is located south of the property. The potential general commercial uses on the property could adversely affect the surrounding area and the adjacent residential neighborhood.

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

As previously noted, this property is located some distance from S.D. Highway 44 and is adjacent to property identified as Low Density Residential on the Elk Vale Neighborhood Future Land Use Plan. The Future Land Use Committee indicated that the proposed amendment to allow commercial land uses on this property will have a negative effect on the

STAFF REPORT
July 23, 2009

No. 09CA012 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial **ITEM**

adjacent residential neighborhood. As such, the Future Land Use Committee found that the proposed change will 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.*

The Future Land Use Committee has identified that general commercial land uses adjacent to a residential area could potentially have significant adverse effects on the surrounding area and on the City.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 23, 2009 Planning Commission meeting if these requirements have not been met. Staff received a few phone calls and comments supporting the previous request for general commercial uses in June 2009 rather than seeing the expansion of the industrial uses. At the time of this writing, staff has not received any calls or comments regarding this request.

The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial be denied.