

STAFF REPORT
September 10, 2009

No. 09CA017 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Department of Transportation
REQUEST	No. 09CA017 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public
EXISTING LEGAL DESCRIPTION	The 100 foot wide railroad right-of-way lying north of Lot H-3 and H-4 in the NW1/4 of Section 9 and north of a portion of the N1/2 NW1/4 less Lot H5 of the NE1/4 NW1/4 and the N1/2 SE1/4 NW1/4 less Lot H1 of Section 9, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.435 acres
LOCATION	East of South Valley Drive and south of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District - General Agriculture District (Pennington County)
East:	General Agriculture District
West:	Public District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	8/14/2009
REVIEWED BY	Patsy Horton / Ted Johnson

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 1.435 acres and is located east of Saint Patrick Street and south of South Dakota Highway 44. The property is owned by the South Dakota Department of Transportation. The property contains railroad

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tracks, but not currently used as an active rail line. The property was annexed effective July 27, 2008 (File #08AN007) and is zoned No Use District.

In 1983, the U.S. Congress amended the National Trails System Act to create the railbanking program in order to preserve rail network lines proposed for abandonment. Some railroad rights-of-way contain easements that revert back to adjacent landowners when an abandonment is consummated. However, if a line is railbanked, the corridor is treated as if it had not been abandoned, effectively maintaining the corridor for potential trail use. The South Dakota Department of Transportation, Office of Railroads has railbanked approximately 98.5 miles of rail bed between Kadoka and Rapid City along South Dakota Highway 44. This property is included in the rail bed that has been railbanked.

Land located south is zoned General Agriculture District - General Agriculture District (Pennington County). Land located east is zoned General Agriculture District. Land located west is zoned Public District. Land located north is zoned General Commercial District. The Southeast Connector 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 to Public District (#09RZ033) has been submitted in conjunction with this Comprehensive Plan Amendment.

The Future Land Use Committee met September 3, 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 assess neighborhood and regional park and recreation needs and demands. Based on this goal, the objective is to promote the use of a network of parks, open spaces, and recreational trails. The proposed change is consistent with the intent of the City's Comprehensive Plan goal to encourage the location of recreational trails. Utilizing the railroad bed as a recreational trail will provide additional pedestrian facilities connecting east and west Rapid City similar to the Mickelson Trail throughout the entire Black Hills region. Additionally, the Railroad Office representative indicated that the railroad may have a future need to utilize the existing

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bed as a railroad, thus requiring preservation of the property as a rail line.

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

The 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 currently contains unused railroad tracks. The annexation of the property and the preservation of the railroad bed 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 east is zoned General Agriculture District. Land located west is zoned Public District. Land located north is zoned General Commercial District. The adjacent property to the south is zoned General Agriculture District and General Agriculture District in Pennington County. The proposed amendment to change the land use from General Commercial to Public appears to be compatible with the potential commercial uses adjacent to the property based on keeping the unused railroad bed for recreational trails.

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

Staff identified no significant adverse affect the proposed amendment would have on the environment, services, facilities and transportation.

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

The property is located between South Dakota Highway 44 to the north and undeveloped property to the south. There is a need to protect the railroad bed from development encroachments based on the City's East Greenway Master Plan. This plan identifies a proposed bike path utilizing the railroad bed. The proposed amendment will allow the preservation of the railroad bed within the City. The undeveloped adjacent 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, while maintaining the railroad bed for a future recreational trail.

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 unused railroad bed and potential future use as a recreational trail will

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help mitigate potential adverse effects to potential pedestrian/bike facilities. The proposed Comprehensive Plan Amendment will help ensure preservation of the railroad bed and prevent adverse impacts to proposed recreational facilities.

The Future Land Use Committee 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 and proposed public use for the property.

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 no inquiries or objections regarding the proposed request at the time of this writing.

Staff at the Office of Railroads, South Dakota Department of Transportation have been contacted and concur with the Public land use designation of this State owned property.