

STAFF REPORT
November 21, 2013

No. 13CA015 - Amendment to the Comprehensive Plan to change the land use designation from Industrial to Residential **ITEM 8**

GENERAL INFORMATION:

APPLICANT	Terry Batchelder
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Blake A Batchelder and Terry Batchelder
REQUEST	No. 13CA015 - Amendment to the Comprehensive Plan to change the land use designation from Industrial to Residential
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the southwesterly corner of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., common to the northwesterly corner of Tract 2 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of Creek Drive, and the Point of Beginning; Thence, first course: N25°25'48"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 54.50 feet, to an angle point on the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to an angle point on the easterly edge of the right-of-way of said Creek Drive; Thence, second course: N03°05'38"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 62.99 feet, to the northwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the southwesterly corner of Tract 3 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of said Creek Drive; Thence, third course: N 89°59'01"E, along the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to the southerly boundary of said Tract 3 of Lot Lb of Lot L, a distance of 247.00 feet, to a point on the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the southerly boundary of said Tract 3 of Lot Lb of Lot L; Thence, fourth course: S40°51'14"E, a distance of 44.16 feet, to an angle point; Thence, fifth course: S13°05'47"E, a distance of 80.80 feet, to a point on the</p>

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southerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the northerly boundary of said Tract 2 of Lot Lb of Lot L; Thence, sixth course: S89°59'01"W, along the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to the northerly boundary of said Tract 2 of Lot Lb of Lot L, a distance of 321.00 feet, to the southwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the northwesterly corner of said Tract 2 of Lot Lb of Lot L, and common to a point on the easterly edge of the right-of-way of said Creek Drive, and the Point of Beginning

PARCEL ACREAGE	Approximately 1.42 acres
LOCATION	North of the intersection of Creek Drive and East Saint Charles Street
EXISTING ZONING	Flood Hazard District
FUTURE LAND USE DESIGNATION	Industrial
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Low Density Residential District - Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	Private well and septic system
DATE OF APPLICATION	October 17, 2013
REVIEWED BY	Kip Harrington / Brandon Quiett

RECOMMENDATION: Staff recommends that the Amendment to the Comprehensive Plan to change the land use designation from Industrial to Residential be approved.

GENERAL COMMENTS: The applicant has submitted an Amendment to the Comprehensive Plan to change the Future Land Use on approximately 0.735 acres of property from Industrial to Residential. The existing lot is currently developed as a single family residential use and zoned Flood Hazard District. The lot is located within the federally designated flood plain, with portions of the property located within the hydraulic floodway. The applicant is requesting that the portions of the property located outside of the hydraulic floodway be designated Residential on the Future Land Use map.

The property is located on the east side of Creek Drive, north of Saint Charles Street and south of Rapid Creek. A single family dwelling and a large shop building are currently

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located on the western portion of the property, with the eastern portion void of structural development. The property is currently zoned Flood Hazard District. Land located to the north, east and west of the property is zoned Flood Hazard District. Land located to the south of the property is zoned Low Density Residential District and Flood Hazard District.

The Rapid City Area Future Land Use Plan identifies the future use of the property as appropriate for Industrial use. In addition to this Amendment to the Comprehensive Plan, the applicant has submitted a rezone application (#13RZ027) to rezone the property from Flood Hazard District to Low Density Residential District.

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 the Future Land Use Plan is to encourage compact and contiguous growth along the city's fringe that is linked to the orderly and efficient use of public improvements, infrastructure, and services. The proposed change from Industrial to Residential land use will encourage in-fill and full utilization of properties currently served by existing infrastructure. The proposed change appears to be consistent with the intent of the Comprehensive Plan.

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

As previously noted, the property is located within the federally designated 100 Year flood plain while portions of the property are located within the hydraulic floodway. Engineering data submitted by the applicant includes revised information which clarifies the boundary of the floodway and the flood plain. Western portions of the property are no longer located within the floodway and are now located within the federally designated 100 Year flood plain. The applicant has requested that the portions of the property located outside the boundary of the hydraulic floodway be rezoned for residential use. The area is currently developing with a mix of residential, public, and industrial uses. The property and existing development was annexed into the city limits in 1973 and was considered legally non-complying at that time. It is anticipated that development of the area will continue. The information submitted by the applicant distinguishing the boundary between the floodway and the flood plain, as well the continued development of the area, represents changing conditions in the area. The applicant should be aware that future development on the property will require that a Flood Plain Development

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Permit be obtained. However, a Flood Plain Development Permit is not required as a part of the review of this application.

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

The property is currently developed with a single family residence and a large shop building located on the site. The Rapid City Area Future Land Use Plan identifies the proposed uses of the surrounding properties. Land located to the north, east and west of the property is identified as Flood Hazard land use. Land located to the south of the property is identified as Industrial land use. However, the existing land uses in the area are a mix of residential and industrial uses. By amending the Future Land Use on this property from Industrial to Residential, the subject property will complement the existing residential land use in the vicinity of the site.

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

The property is currently served by a private well and an on-site waste water system with a septic tank and drain field. City sanitary sewer service is not available in this area. The property takes access from Creek Drive, which is classified as a Minor Arterial street on the City's Major Street Plan. Future development may require additional right-of-way and/or connection to public utilities. The proposed amendment would not appear to result in any significant detrimental effects on the adjacent transportation and services network.

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

The proposed amendment will complement the nearby existing residential land uses in the area. However, recent industrial and commercial development has taken place along Creek Drive. Further industrial and commercial development or more densely developed residential use may result in conflicting land uses in the area.

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 property is located adjacent to a minor arterial street on the City's Major Street Plan and has private water and septic service. Staff has not identified any significant adverse effects that the Comprehensive Plan Amendment would have on the surrounding area or on the City.

Notification Requirement: As of this writing, the white receipts from the certified mailings have been returned. The required sign has been picked up, but staff has not confirmed that it has been posted on the property. Staff will notify the Planning Commission at the November 21, 2013 meeting if these requirements have not been met.

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Staff recommends that the Amendment to the Comprehensive Plan to change the future land use designation from Industrial to Residential be approved.