

STAFF REPORT

June 14, 2010

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**No. 10CA008 - 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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**ITEM 7**

GENERAL INFORMATION:

APPLICANT	THF Stoneridge Development, LLC
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Stoneridge, LLC
REQUEST	<b>No. 10CA008 - Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public</b>
EXISTING LEGAL DESCRIPTION	A portion of the E½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza, common to the northeasterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza, common to a point on the southerly edge of Fifth Street right-of-way, thence S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way, a distance of 268.61 feet, to the point of beginning;Thence First course: S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way a distance of 203.98 feet; Thence Second course: S27°26'24"W, a distance of 200.74 feet; Thence Third course: N83°19'13"W, a distance of 218.49 feet; Thence Fourth course: N27°30'19"E, a distance of 278.42 feet, to the point of beginning
PARCEL ACREAGE	Approximately 1.123 acres
LOCATION	North of the intersection of Parkview Drive and Fifth Street on the west side of Fifth Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential
South:	Public District
East:	Public District

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West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/26/2010
REVIEWED BY	Patsy Horton / Ted Johnson

**RECOMMENDATION:**

The Future Land Use Committee recommends that the Amendment to the adopted Comprehensive Plan to change the future land use designation from General Commercial with a Planned Commercial Development to Public be **approved in conjunction with the associated Initial Planned Commercial Development.**

**GENERAL COMMENTS: (Update: June 7, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 5, 2010 Special Planning Commission meeting to be heard in conjunction with the associated Initial Planned Commercial Development application (#10PD031) and the associated Rezoning application (#10RZ019).**

**The Future Land Use Committee recommended approval of the associated Comprehensive Plan Amendment request in conjunction with the Initial Planned Commercial Development. In particular, the Future Land Use Committee has indicated that the Initial Planned Commercial Development will serve as a tool to address structural aesthetics, landscaping, buffering, noise, odor, traffic, lighting, drainage, parking and internal circulation issues associated with the use of the property. The applicant subsequently submitted additional and/or revised information as a part of the Initial Planned Commercial Development application addressing these issues.**

The applicant has submitted an Amendment to the South Robbinsdale Future Land Use Plan to change the land use designation on a 1.123 acre area from General Commercial with a Planned Commercial Development to Public along with an associated Rezoning request (#10RZ019) to change the zoning district from General Commercial District to Public District.

The applicant has also submitted a Comprehensive Plan Amendment (#10CA005) to change the land use designation on a 1.188 acre area from Office Commercial with a Planned Commercial District to General Commercial with a Planned Commercial Development along with an associated Rezoning request (#10RZ017) to change the zoning district from Office Commercial District to General Commercial District. On March 24, 2010, the applicant submitted a revised legal description reducing the area of the Comprehensive Plan Amendment request and the Rezoning request from 1.188 acres to 0.34 acres.

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The applicant has also submitted a Comprehensive Plan Amendment (#10CA006) to change the land use designation on a 0.237 acre area from Office Commercial with a Planned Commercial District to General Commercial with a Planned Commercial Development along with an associated Rezoning request (#10RZ016) to change the zoning district from Office Commercial District to General Commercial District.

In addition, the applicant has submitted a Comprehensive Plan Amendment (#10CA007) to change the land use designation on a 0.686 acre area from Public to General Commercial with a Planned Commercial Development along with an associated Rezoning request (#10RZ018) to change the zoning district from Public District to General Commercial District.

On February 5, 2010, the applicant submitted an Initial Planned Commercial Development Plan request (#10PD011) to allow a 154,750 square foot "Walmart Supercenter" with an outdoor garden center and sales area, to allow a 30,900 square foot mini anchor store, to allow a 16,000 square foot shopping store, and to provide for drainage detention on the approximate 30 acre parcel. In addition, the applicant submitted a Layout Plat (#10PL007) to subdivide the property creating six lots leaving three non-transferable balances. Subsequently, the applicant withdrew the Initial Planned Commercial Development Plan application and the Layout Plat application.

On March 26, 2010, the applicant submitted a new Initial Planned Commercial Development Plan request (#10PD031) which shows the proposed 154,750 square foot "Walmart Supercenter" building moved approximately 95 feet east and 20 feet south of the previously proposed location, with no changes to the remaining proposed improvements identified above.

In reviewing the history of the property, on January 3, 2005 the City Council approved several Comprehensive Plan Amendments changing the South Robbinsdale Future Land Use Plan in conjunction with associated Rezoning applications, resulting in the current zoning districts for the proposed 30 acre commercial development. In particular, the northwest corner of the property is zoned Office Commercial District with a Planned Development Designation. In addition, a small piece of the north central portion of the property is zoned Office Commercial District with a Planned Development Designation. A narrow portion along the north lot line is also zoned Public District. The balance of the property is zoned General Commercial District with a Planned Development Designation. The Planned Development Designation(s) requires that Initial and Final Development Plans be submitted for review and approval prior to issuance of a building permit.

Staff has also noted that on September 6, 2005, the City Council approved a Layout Plat (#05PL048) to subdivide 101.5 acres into 25 lots. The Layout Plat included portions of this property. On November 21, 2005, the City Council approved a Preliminary Plat (#05PL190) to subdivide 77.59 acres into 17 lots including portions of this property. On February 16, 2007, the City approved a Final Plat (#07PL017) dedicating Stumer Road as right-of-way. On January 23, 2007, the City approved a Final Plat (#07PL003) to create four lots located along Fifth Street including a portion of this property. The applicant has indicated that a

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Preliminary Plat will be submitted in the future reconfiguring the previously proposed lot layout south of Stumer Road and to replat one of the lots east of Fifth Street.

The proposed Comprehensive Plan Amendment is for a 1.123 acre area of land located north of Stumer Road, approximately 450 feet southwest of Fifth Street. The property is currently void of any structural development. The property located to the north is zoned Office Commercial District with a Planned Development Designation and General Commercial District with a Planned Development Designation. The properties to the south and west are zoned General Commercial District with a Planned Development Designation. The property located to the east is zoned General Commercial District with a Planned Development Designation and Public 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.

The Future Land Use Committee met March 26, 2010 and April 1, 2010 and reviewed the Comprehensive Plan Amendment to change the land use from General Commercial with a Planned Commercial Development to Public and 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 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 ensure the preservation and proper utilization of environmental resources such as soil, water and clean air by protecting major drainage ways, floodplains, steep slopes, or other natural areas from incompatible development which may result in environmental problems. In 2005, the land use designations for properties in this area were changed to Public based on a drainage report identifying a proposed drainage channel extending from Fifth Street to Enchantment Road. In particular, the area of the proposed detention facility was zoned Public District. The applicant has subsequently submitted site information identifying that the detention facility will be larger than first anticipated. This Comprehensive Plan Amendment request proposes to change the land use designation on a 1.123 acre area that will now be incorporated into the expanded area for the detention facility. The proposed change from General Commercial with a Planned Commercial Development to Public in conjunction with the associated Initial Planned Commercial Development Plan is consistent with the preservation and proper utilization of environmental resources by protecting the expanded detention facility from incompatible development.

2. *Whether the proposed change is warranted by changed conditions within the*

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*neighborhood surrounding and including the subject property.*

The South Robbinsdale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial with a Planned Commercial Development land uses. The property is located in an area that is proposed for the expanded detention facility. Expanding the existing detention facility per the recently submitted site information constitutes a substantially changed condition.

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

The property abuts nonresidential land uses. The proposed change of a 1.123 acre area from General Commercial with a Planned Commercial Development to Public will ensure adequate buffering for the General Commercial land uses to the south. It will also ensure that adequate area is provided for the needed stormwater improvements.

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

The property is currently void of structural development. The proposed amendment of a 1.123 acre area to accommodate the needed stormwater improvements would not appear to result in any significant effects on the environment, services, facilities or transportation network.

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

The proposed amendment will encourage the preservation and proper utilization of environmental resources by preventing development in areas that are needed for stormwater detention facilities, resulting 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 not identified any significant adverse effects that the Comprehensive Plan Amendment would have on the surrounding area or on the City.

Notification Requirement: The sign has been posted on the property. In addition, the certified mailing receipts have been returned to the Growth Management Department. Staff has received several calls and e-mails inquiring about the proposal. Significant comments have been made in favor and in opposition to the proposed development. Copies of the written comments have been attached.

The Future Land Use Committee recommended approval of the Comprehensive Plan

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Amendment request contingent upon a Planned Commercial Development serving as a tool to address structure location and design, landscaping, noise, odor, traffic, lighting and internal circulation issues associated with the use of the property.