

STAFF REPORT
March 8, 2012

No. 12RZ002 - Rezoning from Office Commercial District to General Commercial District **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Greg Wittenberg 5th Street Developers, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	5th Street Developers, LLC
REQUEST	No. 12RZ002 - Rezoning from Office Commercial District to General Commercial District
EXISTING LEGAL DESCRIPTION	All of Lots Two (2) and Three (3) in Block Two (2) of Fifth Street Office Plaza, located in the Northeast One-Quarter (NE 1/4) of Section Twenty Four (24), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota as shown on the plat recorded on January 24, 2007 and filed in Book 34 of Plats on Page 76, excepting therefrom all of that portion of Lot Three (3) which is zoned as Public District and is more generally described as follows: Beginning at the southwest corner of said Lot Three (3) in Block Two (2) of Fifth Street Office Plaza; thence first course, North on the westerly line of said Lot 3, North 00 degrees 24 minutes 02 seconds East a distance of 38.32 feet more or less, to an angle point on the west line of said Lot 3; thence second course, South 84 degrees 59 minutes 26 seconds East a distance of 102.00 feet more or less; thence third course, South 54 degrees 11 minutes 32 seconds East a distance of 93.76 feet more or less, to a point on the south line of said Lot 3; thence final course, northwesterly on the south line of said Lot 3, North 81 degrees 51 minutes 42 seconds West a distance of 180.63 feet more or less to the point of beginning
PARCEL ACREAGE	Approximately 3.70 acres
LOCATION	4831 and 4905 Fifth Street
EXISTING ZONING	Office Commercial District (Planned Development Designation) - Public District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District (Planned Commercial

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East:	Development) General Commercial District (Planned Development Designation)
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	2/8/2012
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District be continued to the March 22, 2012 Planning Commission meeting.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described properties from Office Commercial District to General Commercial District.

On September 20, 1999, the City Council approved a Comprehensive Plan Amendment adopting the South Robbinsdale Neighborhood Area Future Land Use Plan (File #98CA002) which designated portions of the above legally described properties as Office Commercial with a Planned Commercial Development and Public.

On December 2, 2004, a Planned Development Designation was approved with stipulations including the above legally described properties.

On January 3, 2005, the City Council approved a Rezoning request from General Agricultural District to Office Commercial District (File #04RZ048) including the above legally described properties.

On January 3, 2005, the City Council approved a Comprehensive Plan Amendment to change the future land use designation from Public to Office Commercial with a Planned Commercial Development (File #04CA047) including a portion of the above legally described properties.

On December 5, 2005, the City Council approved a Preliminary Plat with stipulations (File #05PL206) which included creating the above legally described properties.

On January 23, 2007, a Final Plat was approved (File #07PL003) which included creating the above legally described properties.

On June 20, 2011, a Vacation of a Major Drainage Easement request (File #11VE013) was approved by the City Council vacating the northern 10 feet of a 30 foot major drainage easement located on the southern property line of both properties.

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On September 6, 2011, the City Council approved a Comprehensive Plan Amendment adopting the Rapid City Area Future Land Use Plan (File #11CA005) changing the future land use designation for the above legally described properties from Office Commercial with a Planned Commercial Development to Commercial.

The property is located on the south side of 5th Street, approximately 500 feet southeast of the intersection of 5th Street and Enchanted Pines Drive. Currently, the properties are undeveloped. The Wal-Mart development that is currently being constructed is located directly to the south.

STAFF REVIEW:

Staff is recommending that the rezoning request be continued to the March 22, 2012, Planning Commission. The legal description that was advertised for the March 8, 2012, Planning Commission was incomplete, leaving out Lot 2. The complete legal description will be advertised for the March 22, 2012, Planning Commission meeting.