

STAFF REPORT

April 5, 2012

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**No. 12RZ002 - Rezoning from Office Commercial District to General Commercial District**      **ITEM 6**

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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	<b>No. 12RZ002 - Rezoning from Office Commercial District to General Commercial District</b>
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 **approved**.

**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 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 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 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 5<sup>th</sup> Street, approximately 500 feet southeast of the intersection of 5<sup>th</sup> 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 has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings are outlined below:**

- 1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the City generally.***

The City recently approved rezoning requests changing additional acreage to General Commercial Zoning District for properties located south of this site. The rezoning requests were approved in order to construct the Wal-Mart Supercenter on property located directly to the south. With the construction of the Wal-Mart Supercenter additional commercial development is occurring in the area. The City has recently improved utilities including water and sewer on Catron Boulevard to improve service to these areas. These changes and improvements constitute a changing condition in the area to support the rezoning request.

- 2. The proposed zoning is consistent with the intent and purposes of this ordinance.***

The purpose of the General Commercial Zoning District as stated in the Zoning Ordinance is for personal and business services and the general retail business of the city. The Zoning Ordinance is the tool that enforces the Comprehensive Plan. The above legally described properties are located adjacent to 5<sup>th</sup> Street. Fifth Street has been constructed to principal arterial street standards to accommodate commercial and business traffic. Fifth Street serves as a separation from residential and office commercial properties located to the north. Land located north of the property is zoned Low Density Residential District. Land located south and east of the property is zoned General Commercial District with a Planned Commercial Development. Land located to the west of the property is zoned Office Commercial District. The rezoning of this property appears to be appropriate and consistent with the intent and purposes of this ordinance.

- 3. The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.***

The City's adopted Future Land Use Plan identifies the appropriate use of the

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property as commercial. Fifth Street has been constructed to principal arterial street standards to accommodate commercial traffic. All abutting properties are zoned general commercial or office commercial. It does not appear that the proposed rezoning request will have an adverse affect.

On April 23, 2012, the applicant hosted an informational meeting for the adjacent landowners who were mailed certified notices. Staff has not received any negative input from the neighbors at this time. No significant adverse impacts resulting from the requested rezoning have been identified.

- 4. The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

Utilities are in place to serve the anticipated commercial uses in the area as per the City's Community Facilities Plan. The City's Major Street Plan identifies 5<sup>th</sup> Street as a principal arterial street and is conducive to commercial development. The City's adopted Comprehensive Plan identifies the future land use as Commercial. It appears that the proposed rezoning is consistent with the Development Plan of Rapid City.

The rezoning request meets the four criteria for review of zoning map amendments as per Section 17.54.040(D)(1). As such, staff recommends that the rezoning from Office Commercial District to General Commercial District be approved.

Notification Requirement: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the **April 5, 2012** Planning Commission meeting if these requirements have not been met.