

STAFF REPORT

April 8, 2010

No. 10CA006 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development

ITEM 5

GENERAL INFORMATION:

APPLICANT THF Stoneridge Development, LLC

AGENT Dream Design International, Inc.

PROPERTY OWNER Stoneridge, LLC

REQUEST **No. 10CA006 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development**

EXISTING

LEGAL DESCRIPTION

A portion of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 175.21 feet, to the point of beginning; Thence first course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 30.39 feet, to the southeasterly corner of said Lot 3, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°55'52"E, along the southerly boundary of said Lot 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2; Thence third course: S72°01'35"E, along the southerly boundary of said Lot 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2; Thence fourth course: N17°47'24"E, along the easterly boundary of said Lot 2, a distance of 2.28 feet; Thence fifth course: curving to the left, on a curve with a radius of 220.67 feet, a delta angle of 09°04'29", a length of 34.95 feet, a chord bearing of S07°51'03"W, and chord distance of 34.92 feet; Thence sixth course: S03°19'17"W, a distance of 6.07 feet; Thence seventh course: N83°19'13"W, a distance of 116.68 feet; Thence eighth course: N54°45'41"W, a distance of 151.94 feet, to the point of beginning

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PARCEL ACREAGE	Approximately 0.237 acres
LOCATION	North of Stumer Road and south of Fifth Street
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Public District
East:	General Commercial District (Planned Development Designation)
West:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/26/2010
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION:

Based on the Future Land Use Committee's recommendation, staff recommends that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be continued to be considered in conjunction with the new Initial Planned Commercial Development application.

GENERAL COMMENTS: The applicant has submitted an Amendment to the South Robbinsdale Future Land Use Plan to change the land use designation on a 0.237 acre area from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. In addition, the applicant has submitted an associated Rezoning application (#10RZ016) to change the zoning district on the property from Office Commercial District to General Commercial 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 Comprehensive Plan Amendment request and the Rezoning request from 1.188 acres to 0.34 acres.

In addition, the applicant has submitted a Comprehensive Plan Amendment (#10CA007) to

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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.

The applicant has also submitted a Comprehensive Plan Amendment (#10CA008) 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.

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.

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 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.

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The proposed Comprehensive Plan Amendment for a 0.237 acre area of land is located north of Stumer Road, approximately 390 feet south of Fifth Street. The property is currently void of any structural development. The properties located west and south are currently zoned Public District. The property to the north is zoned Office Commercial District with a Planned Development Designation and the property to the east is zoned General Commercial District with a Planned Development Designation.

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 reviewed the Comprehensive Plan Amendment to change the land use from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development 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.*

Goal #6 of the Future Land Use Plan is to provide a variety of centers for community activities and employment by encouraging retail establishments and businesses that are convenient to and service neighborhood residents yet are compatible with but not intrusive upon residential neighborhoods; by discouraging strip development and spot zoning and encourage more compact and higher quality retail and commercial development; and by encouraging geographically convenient and accessible retail areas throughout the City so as to provide the widest possible variety of goods and services. This proposed 0.237 acre Amendment is part of a larger General Commercial node development intended to provide the residents of Rapid City with both vehicular and pedestrian access to retail establishments for not only consumable products but also for employment opportunities. The proposed change is consistent with the policies and overall intent of the Comprehensive Plan by centralizing commercial activity into a compact, higher quality development and by discouraging strip development in accordance with Goal #6 of the Future Land Use Plan Overview.

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

In 2005, the land use designations for properties in this area were changed to Public based on the proposed location of the drainage channel extending from Fifth Street to

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Enchantment Road. In particular, the properties located north of the drainage channel were identified as appropriate for Office Commercial with a Planned Commercial Development land use designation and the properties to the south of the drainage channel were identified as appropriate for General Commercial with a Planned Commercial Development land use designation. In addition, the area of the proposed drainage channel was identified as Public land use designation. The applicant has subsequently submitted site information identifying that the drainage channel will be located north of its originally proposed location. This Comprehensive Plan Amendment request proposes to change the land use designation on a 0.237 acre area that will now be located south of the reconfigured drainage channel location. Relocating the drainage channel to the north of the property as 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 is located adjacent to nonresidential land uses. The proposed change of a 0.237 acre area from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development in conjunction with the associated Initial Planned Commercial Development Plan along the drainage channel will provide adequate buffering between the proposed General Commercial land uses and the proposed Office Commercial land uses on the adjacent properties.

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

In comparison to the relatively small area proposed with this Amendment (0.237 acres), located adjacent to the larger General Commercial area and buffered by the drainage channel, there appears to be no significant adverse impact.

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

The proposed amendment will encourage compact and contiguous growth along the City's fringe that is linked to both the levels of demand in the market and to the orderly extension and efficient use of public improvements, infrastructure and services. Amending the Comprehensive Plan in association with the proposed Initial Commercial Development Plan to follow the new location of the drainage channel will help concentrate new growth in the Rapid City urban area, 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.*

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The Future Land Use Committee has not identified any significant adverse effects that the Comprehensive Plan Amendment on the 0.237 acre area will 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 Amendment request contingent upon a Planned Commercial Development serving as a tool to address structure location and design, landscaping, buffering, noise, odor, traffic, lighting and internal circulation issues associated with the use of the property. Based on the Future Land Use Committee's recommendation, staff recommends that the Comprehensive Plan Amendment request be continued to be heard in conjunction with the Initial Planned Commercial Development Plan application.