

STAFF REPORT
May 5, 2010

No. 10RZ017 - Rezoning from Office Commercial District to General Commercial District **ITEM 2**

GENERAL INFORMATION:

APPLICANT	THF Stoneridge Development, LLC
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Stoneridge, LLC
REQUEST	No. 10RZ017 - Rezoning from Office Commercial District to General Commercial District
EXISTING LEGAL DESCRIPTION	A portion of the SW¼ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S54°58'38"E, a distance of 42.23 feet, to the point of beginning; Thence first course: S89°44'01"E, a distance of 29.43 feet; Thence second course: N80°14'20"E, a distance of 61.38 feet; Thence third course: S00°00'01"E, a distance of 397.37 feet; Thence fourth course: N89°44'34"W, a distance of 176.15 feet; Thence fifth course: N12°34'56"E, a distance of 395.82 feet, to the point of beginning
PARCEL ACREAGE	Approximately 1.188 acres
LOCATION	Northeast of the intersection of Stumer Road and Black Hills Boulevard
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 2/26/2010
REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District be **continued to the June 14, 2010 Planning Commission meeting at 7:00 p.m. at the applicant's request.**

GENERAL COMMENTS:

(Update: April 28, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 8, 2010 Special Planning Commission meeting to be heard in conjunction with the associated Initial Planned Commercial Development application (File No. 10PD031). On April 27, 2010, the applicant requested that the Initial Planned Commercial Development be continued.

Staff recommends that this item be continued to the June 14, 2010 Planning Commission meeting at the applicant's request.

The applicant has submitted a Rezoning request to change the zoning designation of a 1.188 area of land parcel from Office Commercial District to General Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Future Land Use Plan (File #10CA005) to change the land use designation of the property from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. On March 24, 2010, the applicant submitted a revised legal description reducing the area of Rezoning request and the Comprehensive Plan Amendment request from 1.188 acres to 0.340 acres.

The applicant also submitted a Rezoning request (File #10RZ016) to change the zoning designation on a 0.237 acre parcel from Office Commercial District to General Commercial District and an associated Comprehensive Plan Amendment to the Future Land Use Plan (File #10CA006) to change the land use designation from Office Commercial with a Planned Commercial District to General Commercial with a Planned Commercial Development.

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

The applicant has also submitted a Rezoning request (File #10RZ019) to change the zoning designation on a 1.123 acre parcel from General Commercial District to Public District and an associated Comprehensive Plan Amendment to the Future Land Use Plan (File #10CA008) from General Commercial with a Planned Commercial Development to Public.

On February 5, 2010, the applicant submitted an Initial Planned Commercial Development

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request (File #10PD011) to allow a 154,750 square foot "Wal-mart Supercenter" with an outdoor garden center and sales area and to allow a 30,900 square foot mini anchor store and a 16,000 square foot shopping store on the approximate 30 acre parcel. In addition, the applicant submitted a Layout Plat (File #10PL007) to subdivide the property creating six lots leaving three non-transferable balances. The applicant subsequently withdrew the Initial Planned Commercial Development and the Layout Plat requests.

On March 26, 2010, the applicant submitted a new Initial Planned Commercial Development request (File #10PD031) which shows the proposed 154,750 square foot "Wal-mart Supercenter" moved approximately 95 feet east and 20 feet south of the previously proposed location. As a result of relocating the building, this Rezoning request has been revised reducing the acreage from 1.188 acres to 0.340 acres. In addition, the site plan identifies landscaping, a trash compactor with screening and a portion of an access aisle within the area of the property proposed to be rezoned as a part of this application.

In reviewing the history of the property, staff has noted that on September 6, 2005, the City Council approved a Layout Plat (File #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 (File #05PL190) to subdivide 77.59 acres into 17 lots which also included portions of this property. On February 16, 2007, the City approved a Final Plat (File #07PL017) dedicating Stumer Road as right-of-way. On January 23, 2007, the City approved a Final Plat (File #07PL003) to create four lots located along 5th Street which included 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 along Stumer Road and to replat one of the lots along 5th Street.

On January 3, 2005 the City Council approved several Rezoning requests and Comprehensive Plan Amendments to the Future Land Use Plan requests which resulted in the area being zoned as it currently is today. In particular, the northwest corner of the property is zoned Office Commercial District with a Planned Development Designation. In addition, a small portion 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) require that Initial and Final Development Plans be submitted for review and approval prior to issuance of a building permit.

The property proposed to be rezoned is a 0.340 acre triangular area located approximately 350 feet north and east of the intersection of Black Hills Boulevard and Stumer Road. Currently, the property is void of any structural development. The property located east and south of the proposed rezoning is currently zoned General Commercial District with a Planned Development Designation. The property to the west is Office Commercial District with a Planned Development Designation and the property to the north is zoned Public District.

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The Future Land Use Committee met March 26, 2010 and reviewed the associated Comprehensive Plan Amendment to change the land use from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. Additionally they discussed the request further on April 1, 2010 and clarified their action recommending approval of the related Comprehensive Plan Amendment in conjunction with the Initial Planned Commercial Development application.

The following comments are based on the Future Land Use Committee's review of the related Comprehensive Plan Amendments:

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

There does not appear to be substantially changed or changing conditions within this area. As noted above, the property is currently zoned Office Commercial District with a Planned Commercial Development. The Office Commercial District serves as a buffer between the General Commercial District to the east and the Medium Density Residential District located approximately 130 feet to the north and 320 feet to the west. The Future Land Use Committee reviewed the request and noted that the associated Planned Commercial Development will serve as a tool to insure that the proposed use within this area continues to provide a buffer between the commercial and residential uses. In particular, it was noted that elevated landscaping within this area, comprised of evergreen trees and planted on earth berms would minimize the visibility of the proposed commercial structure to be located east of this area. In addition, it was noted that the Planned Commercial Development would 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.

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

According to the Zoning Ordinance, the General Commercial Zoning District is intended to provide for personal and business services and the general retail business of the City. The location of the property in close proximity to the intersection of Black Hills Boulevard and Stumer Road, two commercial streets, makes it a desirable location for general commercial activities serving the general retail business needs of the community. In addition, Fifth Street was constructed anticipating general commercial uses within this area. The Office Commercial District serves as a buffer between the General Commercial District to the east and the Medium Density Residential District located approximately 130 feet to the north and 320 feet to the west. The Future Land Use Committee reviewed the request and noted that the associated Planned Commercial Development will serve as a tool to insure that the proposed use within this area continues to provide a buffer between the commercial and residential uses. In particular, that the Planned Commercial Development would 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.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall any*

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direct or indirect adverse effects result from such amendment.

The rezoning of a 0.340 acre area located adjacent to a significantly larger existing General Commercial Zoning District should not, due to its limited size, have any significant impact. The traffic and activity associated with a 0.340 acre area of land zoned General Commercial District versus being zoned Office Commercial District should not be significant if approved in conjunction with a Planned Commercial Development. The additional review provided by a Planned Commercial Development will insure that improvements within this area are provided to insure buffering and that any effects are mitigated.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

Utilities have been extended to this area as per the City's Master Utility Plan. In addition, Fifth Street, a principal arterial street, has been constructed in compliance with the City's Major Street Plan to accommodate commercial traffic within this area. As noted above, the applicant has submitted a Comprehensive Plan Amendment to the Future Land Use Plan to change the land use designation of the subject property from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. On March 26, 2010, the Future Land Use Committee recommended approval of the proposed amendment. If the Comprehensive Plan Amendment is approved by the City Council, the Rezoning request will be consistent with the Land Use Plan.

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 public input both in favor and in opposition to the proposed development has been received. Copies of the written comments have been attached to this report.

The Future Land Use Committee recommended approval of the associated Comprehensive Plan Amendment request in conjunction with the new Initial Planned Commercial Development addressing structural aesthetics, landscaping, buffering, noise, odor, traffic, lighting, drainage, parking and internal circulation issues associated with the use of the property. Staff recommends that the Rezoning request be continued to be heard in conjunction with the Initial Planned Commercial Development.