

STAFF REPORT

May 5, 2010

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**No. 10RZ019 - Rezoning from General Commercial District to Public District** **ITEM 8**

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GENERAL INFORMATION:

APPLICANT	THF Stoneridge Development, LLC
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Stoneridge, LLC
REQUEST	<b>No. 10RZ019 - Rezoning from General Commercial District to Public District</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 5 <sup>th</sup> 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
West:	General Commercial District (Planned Development Designation)

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PUBLIC UTILITIES                      City sewer and water

DATE OF APPLICATION                2/26/2010

REVIEWED BY                          Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial District to Public 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). The applicant has requested that the Initial Planned Commercial Development be continued to allow them additional time to complete and submit all of the information required for the project.**

**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 on a 1.123 area of land 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.

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 #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 #10RZ017) to change the zoning designation on a 1.188 acre 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 the

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Rezoning request and the Comprehensive Plan Amendment request from 1.188 acres to 0.340 acres.

On February 5, 2010, the applicant submitted an Initial Planned Commercial Development 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, Rezoning request #10RZ017 has been revised reducing the acreage from 1.188 acres to 0.340 acres. In addition, the site plan identifies a detention facility and landscaping 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 5<sup>th</sup> 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 5<sup>th</sup> 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 1.123 acre area located approximately 400 feet north of the intersection of Parkview Drive and 5<sup>th</sup> Street on the west of Fifth Street. Currently, the property is void of any structural development. The properties to the north, across 5<sup>th</sup> Street, are zoned Low Density Residential District. The properties to the east and south are zoned Public District. The property located west is zoned General Commercial

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District with a Planned Development Designation.

STAFF REVIEW:

The Future Land Use Committee met March 26, 2010 and reviewed the associated Comprehensive Plan Amendment to change the land use from Public 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 new Initial Planned Development.

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.*

In 2005, properties within this area were zoned as currently identified. The location and configuration of this Public Zoning District was based on the planned drainage channel extending from 5<sup>th</sup> Street to Enchantment Road and a proposed detention facility to be constructed along Fifth Street. 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 rezoning request proposes to rezone a 1.123 acre area from General Commercial District to Public District to allow for the expansion of the detention facility. The expansion of the detention facility as per the recently submitted site information constitutes a substantially changed condition.

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

The Public District is established to provide for facilities which serve the general public that are operated by the United States of America, the State of South Dakota or any political subdivision which qualifies for exemption from property taxes, or nonprofit organizations. In addition, utilities are provided for in the Public District to aid in the development of efficient systems. The proposed detention facility will accommodate regional drainage for this area. As such, the detention facility will function as a public improvement and the requested rezoning is consistent with the intent and purpose of the Zoning 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 amendment.*

Future development of the site must be in compliance with the City's Drainage Design Criteria Manual and the South Truck Route Drainage Basin Plan. The proposed Rezoning request would not appear to have any significant adverse affect on any part of the City.

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*

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*facilities plan, and others.*

Any future drainage improvements on the property must be constructed in compliance with the City's Drainage Design Criteria Manual and the South Truck Route Drainage Basin Plan. 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 General Commercial with a Planned Commercial Development to Public. 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 Development addressing structure location and design, provisions of additional buffering, landscaping and access associated with the use of the property. Staff recommends that the Rezoning request be continued to be heard in conjunction with the new Initial Planned Commercial Development.