

STAFF REPORT

June 14, 2010

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**No. 10RZ016 - Rezoning from Office Commercial District to General Commercial District**

**ITEM 4**

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GENERAL INFORMATION:

APPLICANT	THF Stoneridge Development, LLC
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Stoneridge, LLC
REQUEST	<b>No. 10RZ016 - Rezoning from Office Commercial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	A portion of the S½ of the NE¼, 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
PARCEL ACREAGE	Approximately 0.237 acres
LOCATION	North of Stumer Road and south of Fifth Street
EXISTING ZONING	Office Commercial District (Planned Development

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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 sewer and water

DATE OF APPLICATION      2/26/2010

REVIEWED BY      Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

**Based on the recommendation of the Future Land Use Committee on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Initial Planned Commercial Development.**

GENERAL COMMENTS:

**(Update: June 5, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 5, 2010 Special Planning Commission meeting to be heard in conjunction with the associated Initial Planned Commercial Development application (File No. 10PD031) and the associated Comprehensive Plan Amendment to the Future Land Use Plan (File No. 10CA006).**

**The Future Land Use Committee recommended approval of the associated Comprehensive Plan Amendment request in conjunction with the Initial Planned Commercial Development. In particular, the Future Land Use Committee indicated that the Initial Planned Commercial Development will 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. The applicant subsequently submitted additional and/or revised information as a part of the Initial Planned Commercial Development application addressing these issues. As such, based on the recommendation of the Future Land Use Committee on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Initial Planned Commercial Development.**

(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

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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 on a 0.237 area of land 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.

The applicant has also 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 Rezoning request and the Comprehensive Plan Amendment request from 1.188 acres to 0.340 acres.

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 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 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

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plan identifies 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 0.237 acre area located north of Stumer Road, approximately 390 feet south of Fifth Street. Currently, the property is 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 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 plan 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.*

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In 2005, properties within this area were zoned as currently identified the location and configuration of the Office Commercial Zoning District and adjacent General Commercial Zoning District based on the location of a proposed drainage channel extending from 5<sup>th</sup> Street to Enchantment Road. In particular, the properties located north of the drainage channel were zoned Office Commercial District with a Planned Development Designation and the properties located south of the drainage channel were zoned General Commercial District with a Planned Development Designation. In addition, the area of the proposed drainage channel was zoned Public District. The applicant has, subsequently, submitted site information identifying that the drainage channel will be located north of its original proposed location. This rezoning request proposes to rezone a 0.237 acre parcel that will now be located south of the drainage channel. Relocating the drainage channel 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.*

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 future construction of the drainage channel located directly north of this parcel will provide a separation between the Office Commercial District and the General Commercial District. The Future Land Use Committee noted that the associated Planned Commercial Development will 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 direct or indirect adverse effects result from such amendment.*

The rezoning of a 0.237 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 0.237 acre area of land zoned General Commercial District versus being zoned Office Commercial District should not be significant. There does not appear to be any significant adverse effect on any part of the City due to the small size of the area and the separation and buffering provided by the drainage area. The additional review provided by a Planned Commercial Development allows for further mitigation of any potential adverse effects.

- 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

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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 a 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.

**Based on the recommendation of the Future Land Use Committee on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Initial Planned Commercial Development.**