

STAFF REPORT  
September 9, 2004

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**No. 04RZ043 - Rezoning from Office Commercial District to Low Density Residential - II District**      **ITEM 17**

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GENERAL INFORMATION:

PETITIONER	Wyss Associates for WEB Land Holdings
REQUEST	<b>No. 04RZ043 - Rezoning from Office Commercial District to Low Density Residential - II District</b>
EXISTING LEGAL DESCRIPTION	Described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 613.93 feet at a bearing S00°31'58" West to a point; Thence travel 876.61 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 202.91 feet at a bearing N34°33'20" East to a point; Travel 244.00 feet at a bearing N00°21'00" East to a point; Travel 14.61 feet at a bearing N34°39'32" East to a point; Travel 90.92 feet at a bearing S89°39'00" East to a point; Travel 145.77 feet at a bearing S00°21'00" West to a point; Travel 231.88 feet at a bearing S34°33'20" West to a point; Travel 99.70 feet at a bearing S30°35'10" East to a point; Travel 134.13 feet at a bearing S90°00'00" West to the point of beginning. The area described contains approximately 29,977 square feet more or less
PARCEL ACREAGE	Approximately 29,977 Square Feet
LOCATION	West of the western terminus of Fairmont Boulevard along Tower Road
EXISTING ZONING	Office Commercial District (PD)
SURROUNDING ZONING	
North:	Office Commercial District (PD)
South:	Low Density Residential - II District (PD)
East:	Office Commercial District (PD)
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/30/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to Low Density Residential - II District be approved in conjunction with the associated Comprehensive Plan Amendment.

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GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the subject property from Office Commercial District to Low Density Residential II District. In addition, the applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on the subject from Office Commercial with a Planned Commercial Development to Low Density Residential II with a Planned Residential Development. (See companion item #04CA037.)

Currently, an Initial Planned Commercial Development has been approved to allow multi-family residential development and office commercial development on the property and an adjoining parcel. In addition a separate Initial Planned Residential Development has been approved to allow single family and townhomes to be located directly west of the subject property. The applicant has adjusted the boundaries between the two developments to follow the terrain and, as such, has subsequently submitted two separate Rezoning requests and two associated Comprehensive Plan Amendment requests to coincide with the adjusted boundaries.

The subject property is located at the eastern terminus of Pevans Parkway and is part of the Skyline Pines East Development. Currently, the subject property is void of any structural development.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of staff findings is 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 in general.*

The property is currently void of any structural development but is located in a developing area. The recent development of property located to the west of the subject property, along Pevans Parkway, has brought the extension of water and sewer to the area. The proximity of water and sewer constitutes a substantial change in the condition of the area and increases the potential development of the subject property as well as the surrounding area.

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

Low Density Residential II zoning is intended to allow a slightly higher population density, but with basic restrictions similar to Low Density Residential District. The additional review provided by the Planned Residential Development process will insure unique and desirable residential home configurations that take into account the topographic concerns associated with the property. In addition, the Low Density Residential District II will serve as a transitional area between the single family use located west of the subject property and the multi-family use proposed to be located east of the subject property. The proposed zoning appears to be consistent with the intent and purpose of this ordinance.

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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.*

Staff has not identified any significant adverse impacts that will result from the proposed rezoning. The additional review provided by the Planned Residential Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. As such, the proposed amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

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.*

The applicant has submitted a Comprehensive Plan Amendment to the City's Long Range Comprehensive Plan to change the appropriate land use designation from Low Density Residential with a Planned Residential Development to Low Density Residential II with a Planned Residential Development. Upon approval, the proposed Rezoning request will be consistent with the adopted Comprehensive Plan.

Legal Notification: The receipts from the certified mailings have been returned. Staff has not received any inquiries or objections regarding the proposed request at the time of this writing.

Staff is recommending that the rezoning request be approved in conjunction with the associated Comprehensive Plan Amendment request.

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