

STAFF REPORT

June 10, 2004

**No. 04RZ024 - Rezoning from Low Density Residential District to
Office Commercial District**

ITEM 30

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC
REQUEST	No. 04RZ024 - Rezoning from Low Density Residential District to Office Commercial District
EXISTING LEGAL DESCRIPTION	Commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 805.71 feet at a bearing N00°21'00" East to a point; Thence travel 99.99 feet at a bearing S89°39'00" East to the Point of Beginning; travel 245.15 feet at a bearing N00°21'00" East to a point; thence travel 106.97 feet at a bearing N34°54'43" East to a point; thence travel 115.00 feet at a bearing N05°14'58" West to a point; thence travel 67.43 feet at a bearing N09°59'31" East to a point; thence travel 813.33 feet at a bearing S89°39'00" East to a point; thence travel 392.20 feet at a bearing S00°21'00" West to a point; thence travel 65.15 feet at a bearing East to a point; thence travel 318.07 feet at a bearing South to a point; thence travel 93.37 feet at a bearing N30°35'10" West to a point; thence travel 174.01 feet at a bearing West to a point; thence travel 237.48 feet at a bearing N61°30'24" West to a point; thence travel 126.16 feet at a bearing N73°30'07" West to a point; thence travel 74.12 feet at a bearing N52°32'01" West to a point; thence travel 122.49 feet at a bearing S87°48'19" West to a point; thence travel 100.98 feet at a bearing S69°46'53" West to a point; thence travel 110.01 feet at a bearing S35°36'28" West to a point; thence travel 74.15 feet at a bearing N41°05'15" West to the Point of Beginning; said area described contains approximately 10.74 acres more or less
PARCEL ACREAGE	Approximately 10.74 acres
LOCATION	West of the western terminus of Fairmont Boulevard along Tower Road
EXISTING ZONING	Low Density Residential District w/PDD
SURROUNDING ZONING	
North:	Park Forest District/Low Density Residential District
South:	Low Density Residential District w/PDD

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East:	Office Commercial District w/PDD
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/08/2004
REVIEWED BY	Todd Tucker

RECOMMENDATION: Staff recommends that the Planning Commission acknowledge the applicant's request to withdraw the application.

GENERAL COMMENTS: (June 2, 2004 Update) This item was continued at the May 6, 2004 Planning Commission meeting to allow the applicant time to submit a document dedicating a portion of the subject property as open space.

(This Staff Report was revised on May 5, 2004. All revised and/or added text is shown on bold text.)

In 2001 the applicant submitted three rezoning requests for the property now known as the Skyline Pines East development. At that time the applicant proposed to develop the 61.75 acre tract that is located west of the Ridco Development and east of the Skyline Pines development with three development components. The applicant proposed a single family residential development, a multi-family residential development, and an office commercial development. The applicant also proposed the construction of Fairmont Boulevard to the west and south to connect to Tower Road in the future. The applicant has now proposed a change to that initial configuration of zoning designations. As part of that change to the initial development proposal the applicant has submitted several rezoning requests. This request is to rezone a piece of property located south of Highland Park Drive and north of the future eastern extension of Pevans Parkway from Low Density Residential to Office Commercial. The property is currently void of any structural development.

STAFF REVIEW: Staff has reviewed this proposed rezoning request and has questions about the proposal. Staff is meeting with the applicant on May 3, 2004 to discuss the proposed development and rezoning requests for the Skyline Pines East Development. Staff will make a recommendation at the May 6, 2004 Planning Commission meeting for the rezoning request from Park Forest District to Office Commercial District.

On May 3, 2004 staff met with the applicant to discuss the rezoning request. The applicant indicated at that time that they intend to dedicate a portion of the subject property as open space. However, the applicant is not prepared to make those arrangements at this time. As such, staff recommends that this item be continued to the June 10, 2004 Planning Commission meeting to allow time for the applicant and staff to meet concerning the description of that portion of the property to be designated as open space.

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The applicant has requested that this Rezoning application request be withdrawn. The applicant has submitted a separate Rezoning request for a smaller portion of the subject property. The applicant has indicated that the remainder of the subject property will remain zoned Low Density Residential Zoning District and will remain as open space. As such, Staff recommends that the Planning Commission acknowledge the applicant's request to withdraw the application.

A sign stating that a Rezoning has been requested is posted on the property. The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 6, 2004 Planning Commission meeting if this requirement has not been met.