

STAFF REPORT
June 10, 2004

No. 04RZ028 - Rezoning from General Commercial District to Office Commercial District **ITEM 21**

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC
REQUEST	No. 04RZ028 - Rezoning from General Commercial 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 1795.11 feet at a bearing S89°27'22" East to a point; Thence travel 6.07 feet at a bearing N00°32'38" East the Point of Beginning; travel 359.39 feet at a bearing N22°02'42" West to a point; travel 104.66 feet at a bearing S44°48'23" East to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Convex Southwesterly curve with a chord bearing S39°36'26" East to a point; thence travel 211.05 feet at a bearing S34°24'28" East to a point; thence travel 78.59 feet at a bearing S45°00'00" West to a point; thence travel 26.81 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 0.48 Acres more or less
PARCEL ACREAGE	Approximately 0.48 acres
LOCATION	West of the western terminus of Fairmont Boulevard along Tower Road
EXISTING ZONING	General Commercial District w/PDD
SURROUNDING ZONING	
North:	General Commercial District w/PDD
South:	General Agriculture District
East:	General Commercial District w/PDD
West:	Medium Density Residential District w/PDD
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/08/2004
REVIEWED BY	Todd Tucker

STAFF REPORT
June 10, 2004

No. 04RZ028 - Rezoning from General Commercial District to Office Commercial District **ITEM 21**

RECOMMENDATION: Staff recommends that the Rezoning from General Commercial District to Office Commercial District be **approved in conjunction with the associated Comprehensive Plan Amendment request.**

GENERAL COMMENTS: (Update May 28, 2004) This item was continued at the May 6, 2004 Planning Commission meeting to allow the applicant time to submit a Comprehensive Plan Amendment request.

(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 north of Tower Road and west of the future western extension of Fairmont Boulevard from General Commercial 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.

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.*

The Office Commercial Zoning District is intended to provide a place for those types of institutional and commercial activities that require separate building and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. The Office Commercial

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District provides a transitional area and buffer between the more intense General Commercial Districts located to the east of the subject property and the lower density residential districts located to the west of the subject property.

Rezoning the subject property from General Commercial District to Office Commercial District appears to be consistent with the intent of this ordinance as it will provide the needed buffers in this transitional area.

- 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.***

The property located to the west of the subject property is currently zoned Medium Density Residential, and is proposed to be rezoned to Office Commercial. The property located to the east of the subject property is currently zoned General Commercial. The Office Commercial District provides a transitional area and buffer between the more intense General commercial Districts located to the east of the subject property and the lower density residential districts located to the west of the subject property.

Rezoning the subject property from General Commercial District to Office Commercial District appears to be consistent with the intent of this ordinance as it will provide the needed buffers in this transitional area.

- 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 Rapid City Comprehensive Plan for this area identifies the subject property as appropriate for residential land use(s). Rezoning the subject property from Low Density Residential District to Office Commercial District would also require an amendment to the Comprehensive Plan. As such, staff recommends this request be continued to the June 10, 2004 Planning Commission meeting, to allow the applicant time to submit an application for a Comprehensive Plan Amendment.

On May 14, 2004 the applicant submitted a Comprehensive Plan Amendment application to change the land use designation for the subject property from General Commercial to Office Commercial with a Planned Commercial Development.

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. Staff has received no inquiries or objections regarding this request.

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