

STAFF REPORT

June 10, 2004

No. 04RZ030 - Rezoning from Office Commercial District to General Commercial District

ITEM 25

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC
REQUEST	No. 04RZ030 - Rezoning from Office Commercial District to General 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 1586.89 feet at a bearing S89°27'22" East to a point; Thence travel 618.64 feet at a bearing N00°32'38" East the Point of Beginning; thence travel 75.39 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N44°32'12" East to a point; thence travel 219.73 feet at a bearing N55°19'07" East to a point; thence travel 33.94 feet at a bearing S34°35'20" East to a point; thence travel 157.68 feet at a bearing S55°19'17" West to a point on a curve; thence travel 132.38 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S38°49'48" West to a point; thence travel 57.91 feet at a bearing N45°00'00" West to the Point of Beginning; said area described contains approximately 0.26 acres more or less
PARCEL ACREAGE	Approximately 0.26 acres
LOCATION	West of the western terminus of Fairmont Boulevard along Tower Road
EXISTING ZONING	Office Commercial District w/PDD
SURROUNDING ZONING	
North:	Office Commercial District w/PDD
South:	General Commercial District w/PDD
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

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RECOMMENDATION: Staff recommends that the Rezoning from Office Commercial District to General 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 is part of the future western extension of Fairmont Boulevard from Office Commercial to General 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 General Commercial Zoning District is intended to provide for personal and business services and the general retail business of the city. This area of the city, north of Tower Road and along the future western extension of Fairmont Boulevard is an increasing area of commercial development. Due to the future extension of Fairmont Boulevard and the requirement for it to be widened to 80

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feet rezoning this portion of the property would appear to be consistent with the intent and purpose of this 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 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 north of the subject property is currently zoned Office Commercial, and the property located south of the subject property is currently zoned General Commercial. Due to the existing zoning of the adjacent properties, rezoning this portion of the property would appear to be consistent with the intent and purposes of this ordinance.

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 Office Commercial to General 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.