

STAFF REPORT  
June 10, 2004

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**No. 04RZ032 - Rezoning from Low Density Residential District to Office Commercial District**      **ITEM 27**

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GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC
REQUEST	<b>No. 04RZ032 - Rezoning from Low Density Residential District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	Commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less
PARCEL ACREAGE	Approximately 0.63 acres
LOCATION	West of the western terminus of Fairmont Boulevard along Tower Road
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District w/PDD
South:	Low Density Residential District w/PDD
East:	Office Commercial District w/PDD
West:	Low Density Residential District w/PDD
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	05/14/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION:

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

GENERAL COMMENTS: In 2001 the applicant submitted three rezoning requests for the

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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 east of the future eastern extension 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 for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of staff findings are 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.*

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 properties located to the west and south of the subject property are currently zoned Low Density Residential and Low Density Residential II respectively. The property located to the east is currently zoned Office 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.

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 subject property is located adjacent to Low Density Residential, Low Density Residential II, and Office Commercial Zoning Districts. The proposed amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

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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. The applicant has submitted a Comprehensive Plan Amendment application to change the land use designation for the subject property from Low Density Residential 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 June 10, 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.