

STAFF REPORT

October 25, 2001

No. 01CA031 - Amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial

ITEM 15

GENERAL INFORMATION:

PETITIONER	Theresa Bennington
REQUEST	No. 01CA031 - Amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial
LEGAL DESCRIPTION	NW1/4 SE1/4 SW1/4 Section 32, T2N, R8E; east 613 feet of the north 511 feet of the SW1/4 SW1/4 Section 32, T2N, R8E; E1/2 SE1/4 SW1/4 Section 32, T2N, R8E all located in BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 37.20 acres
LOCATION	At the western terminus of East Philadelphia Street
EXISTING ZONING	No Use
SURROUNDING ZONING	
North:	No Use/ General Agriculture
South:	General Commercial District (PCD)/Medium Density Residential District
East:	Medium Density Residential
West:	No Use
PUBLIC UTILITIES	NA
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial Land Use with alternate designation of General Commercial Land Use be approved for the 17.20 acres legally described as the NW1/4 SE1/4 SW1/4 Section 32, T2N, R8E and east 613 feet of the north 511 feet of the SW1/4 SW1/4 Section 32, T2N, R8E and to deny without prejudice the request to change the future land use designation from General Commercial Land Use to Heavy Industrial Land Use on the 20 acre parcel legally describe as E1/2 SE1/4 SW1/4 Section 32, T2N, R8E

GENERAL COMMENTS: The applicant is proposing to change the land use designation on

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37.2 acres located at the east end of Philadelphia Street. The Elk Vale neighborhood Future Land Use Plan identifies the subject property as appropriate for General Commercial uses. The western seventeen acres is the current location of B&B Auto Salvage. The eastern twenty acres is currently vacant.

The City Council approved an annexation that included the subject property on September 17, 2001. All land upon annexation is placed in the No Use Zoning District. A study is completed to determine the appropriate zoning classification for that property. The guiding tool in establishing the zoning is the adopted land use plan, which in this case identifies that a General Commercial Zoning District would be appropriate for the subject property. The current business, an automotive salvage business, would become a legal non-conforming use in the General Commercial Zoning District. The applicant is requesting that the plan be amended to Heavy Industrial land use to allow for a future rezoning to the Heavy Industrial Zoning District. The Heavy Industrial Zoning District is the only zoning district that an automotive salvage operation would be allowed as Use on Review.

STAFF REVIEW:

The Elk Vale Neighborhood Area Future Land Use Plan is a framework within which development and rezoning proposals can be measured and evaluated. The plan is intended to guide the orderly growth of the community. The Future Land Use Committee has anticipated that in order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

The applicant met with the Future Land Use Committee on Thursday September 27, 2001 to discuss the proposed changes to the Elk Vale Neighborhood Future Land Use Plan. The future Land Use Committee discussed the issues relating to the creation of non-conforming uses and the future of the current business located on the property. It has been the policy of the Future Land Use Committee and the City to avoid creating non-conforming uses as much as possible. The Future Land Use Committee recommended changing the land use designation on the western seventeen acres that is the location of the existing business to eliminate the creation of non-conforming uses. This would allow the rezoning of the subject property to the Heavy Industrial Zoning District when the annexation of the property becomes effective. Any expansion of the business would require the applicant to request a Use On Review for the processing of salvage materials. The Future Land Use Committee did not support the changing of the designation of the eastern twenty acres to Heavy Industrial and recommends that this portion of the property remains General Commercial.

The Future Land Use Committee also discussed the long-term reuse of this property. As the property south of Menards continues to develop, the character of this area will significantly change from the industrial uses to more commercial uses. The extensions of East Anamosa Street and Creek Drive will influence future development and value of the property located in this area. Also, the development of the urban interchange at Interstate 90 and East North

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Street will spur additional commercial development in this area. As these changes occur, both Staff and the Future Land Use Committee believe that the ultimate reuse of the property will be for commercial uses. To this end, the Future Land Use Committee has recommended that an alternative designation of General Commercial be identified for the west seventeen acres. This designation is to recognize that the long term redevelopment of the property should be for commercial uses.