

STAFF REPORT

May 8, 2003

No. 03CA010 - Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial

ITEM 24

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bypass LLC
REQUEST	No. 03CA010 - Amendment to the Comprehensive Plan to change the future land use designation on a 26.59 acre parcel of land from Light Industrial to General Commercial
EXISTING LEGAL DESCRIPTION	That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S60°29'01"W, 1167.82 feet to a point; thence S74°51'58"W, 321.14 feet to an aluminum survey cap at the center of Section 28 at the point of beginning
PARCEL ACREAGE	Approximately 26.59 acres
LOCATION	North and west of the intersection of I-90 and Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Commercial District/General Agriculture District
East:	Box Elder
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	03/28/2003

STAFF REPORT

May 8, 2003

No. 03CA010 - Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial

ITEM 24

REPORT BY

Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 26.59 acre parcel of land from Light Industrial to General Commercial be **approved with the stipulation that a revised legal description be submitted for review and approval prior to City Council approval.**

GENERAL COMMENTS:

This item was continued at the April 24, 2003 Planning Commission meeting to allow the applicant to submit a revised legal description correctly describing the requested amendment on the above legally described property. This Staff Report has been revised as of May 1, 2003. All revised and/or added text is shown on bold print. The applicant is seeking to change the future land use designation from Light Industrial to General Commercial on the above legally described property. The applicant has also submitted a request to change the zoning from General Agriculture District to General Commercial District on the subject property. (See companion item #03RZ017.)

On April 24, 2003, the Planning Commission recommended to approve a Layout Plat to subdivide the subject property and an adjacent 112.41 acres into 34 lots. In addition, the Planning Commission recommended approving a Variance to the Subdivision Regulations to waive the requirement to improve Elk Vale Road with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. (See companion items #03PL038 and 03SV016.)

The property is located north and west of the intersection of I-90 and Elk Vale Road and is currently void of any structural development.

STAFF REVIEW:

On May 1, 2003, the applicant met with the Future Land Use Committee to discuss the Comprehensive Plan Amendment request. The Future Land Use Committee voiced concern with the Comprehensive Plan Amendment request for that portion of the subject property located north of the City's Visitor Center and along the future location of Mall Drive. In particular, the Committee recommended that a Planned Commercial Development be required for the area lying parallel to Mall Drive in order to mitigate any possible negative impacts the proposed general commercial use(s) may have along Mall Drive and to the Visitor's Center. However, the Committee also recommended that General Commercial, without a Planned Development Designation, would be appropriate for that portion of the subject property located along Elk Vale Road. In particular, the Committee noted that the balance of the property(s) located along Elk Vale Road is currently identified as appropriate for light industrial use(s). Allowing general commercial use(s) within this area of the subject property will create a buffer between the properties to the south located along I-90 and the proposed industrial use(s) to be located further north along Elk Vale Road. As such, staff is

STAFF REPORT

May 8, 2003

No. 03CA010 - Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial

ITEM 24

recommending that the Comprehensive Plan Amendment be approved with the stipulation that a revised legal description including only that portion of the subject property located along Elk Vale Road be submitted for review and approval prior to City Council approval. The applicant is aware that a separate Comprehensive Plan Amendment request must be submitted for review and approval for the balance of the subject property to change the land use designation from industrial to general commercial with a Planned Development Designation on the balance of the subject property, or Lots 2 thru 5 of Block 1 as shown on the associated plat document.