

STAFF REPORT

May 8, 2003

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**No. 03CA011 - Amendment to the Comprehensive Plan to change the future land use designation on a 9.04 acre parcel of land from General Commercial with a Planned Commercial Development to General Commercial**

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**ITEM 26**

GENERAL INFORMATION:

PETITIONER	FMG Inc. for Bypass LLC
REQUEST	<b>No. 03CA011 - Amendment to the Comprehensive Plan to change the future land use designation on a 9.04 acre parcel of land from General Commercial with a Planned Commercial Development to General Commercial</b>
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 N74°51'58", 321.14 feet to a point; thence N60°29'01"E, 1167.82 feet to a point; thence S00°01'03"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning
PARCEL ACREAGE	Approximately 9.04 acres
LOCATION	Northwest of the intersection of Elk Vale Road and Interstate 90
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	04/11/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the applicant's request to

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withdraw the Amendment to the Comprehensive Plan to change the future land use designation on a 9.04 acre parcel of land from General Commercial with a Planned Commercial Development to General Commercial.

**GENERAL COMMENTS:**

The applicant is seeking to change the future land use designation from General Commercial with a Planned Development Designation to General Commercial on the above legally described property. The applicant has also submitted a separate Comprehensive Plan Amendment to change the land use designation from Light Industrial to General Commercial on 26.59 acres located directly north of the subject property. In addition, the applicant has also submitted a request to change the zoning from General Agriculture District to General Commercial District on the subject property and the adjacent 26.59 acres. (See companion items #03CA010 and 03RZ017.)

On April 24, 2003, the Planning Commission recommended to approve a Layout Plat to subdivide the subject property and an adjacent 130 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. In particular, the Future Land Use Committee determined that a Planned Commercial Development would be required for the subject property 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. As such, the applicant requested that the Comprehensive Plan Amendment be withdrawn. Staff is recommending that the Planning Commission acknowledge the applicant's request to withdraw the Comprehensive Plan Amendment.