

STAFF REPORT

April 24, 2003

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**No. 03RZ017 - Rezoning from General Agriculture District to General Commercial District** **ITEM 22**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bypass LLC
REQUEST	<b>No. 03RZ017 - Rezoning from General Agriculture District to General Commercial District</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 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 S00°01'04"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 35.62 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
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to General Commercial District be continued to the May 8, 2003 Planning Commission meeting to be heard in conjunction with an associated Comprehensive Plan Amendment request.

GENERAL COMMENTS:

The applicant has submitted a request to change the zoning from General Agriculture District to General Commercial District on the above legally described property. The applicant has also submitted a Comprehensive Plan Amendment request seeking to change the future land use designation from Light Industrial to General Commercial on the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property and an adjacent 102 acres into 34 lots. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to improve Elk Vale Road and to construct sidewalks within commercial areas in conjunction with the Layout Plat. (See companion items #02CA016, 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:

Upon review of the associated Comprehensive Plan Amendment request, staff noted that a portion of the property is identified as General Commercial with a Planned Commercial Development on the Elk Vale Neighborhood Area Future Land Use Plan. As such, the applicant has indicated that a revised legal description identifying the area exclusively shown as appropriate for industrial use(s) on the Future Land Use Plan will be submitted for review and approval. In addition, a separate Comprehensive Plan Amendment request will be submitted to change the future land use designation for that portion of the property currently shown as General Commercial with a Planned Commercial Development to General Commercial. As such, staff is recommending that the Rezoning request be continued to the May 8, 2003 Planning Commission meeting to be heard in conjunction with the associated Comprehensive Plan Amendment request.