

STAFF REPORT

April 8, 2004

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**No. 04CA016 - Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard**

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**ITEM 32**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04CA016 - Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less
PARCEL ACREAGE	Approximately 24.696 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Box Elder
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended

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DATE OF APPLICATION            02/24/2004

REPORT BY                         Karen Bulman

RECOMMENDATION:    The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Flood Hazard be approved.

GENERAL COMMENTS:    This undeveloped property contains approximately 24.696 acres and is located along the east boundary of North Elk Vale Road north of U.S. Interstate 90. The property is located adjacent to the northwest boundary of Box Elder. A voluntary annexation of the subject property has been submitted and will be heard by the City Council on April 5, 2004. Upon annexation, the property will be zoned No Use District.

In addition to this Amendment to the Comprehensive Plan, the property owner submitted fourteen companion applications that will be heard at the April 5, 2004 City Council meeting including: a Petition to Annex, Preliminary Plat, Subdivision Variance, five Rezoning applications, three Planned Development applications, and four Comprehensive Plan Amendments (See companion items: 04PL020, 04SV014, 04AN002, 04RZ008, 04PD014, 04RZ009, 04CA006, 04PD015, 04CA005, 04RZ011, 04CA008, 04RZ012, 04CA009, and 04PD016).

STAFF REVIEW:    The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. 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 Comprehensive Plan identifies the subject property as appropriate for general agriculture land use(s). On February 13, 2004, the Future Land Use Committee met to review the proposal for Elk Vale Park, a development that includes approximately 140 acres. The Committee recommended approval of an Amendment to the Comprehensive Plan to change the land use on the subject property from General Agriculture to a greenway area or flood hazard area. Due to the constraints imposed by the 100 year federally designated floodplain located on the property, the appropriate land use designation appears to be Flood Hazard District. The special standards identified in the Flood Hazard Zoning District will provide adequate review to insure that the public health and safety is protected. As such, the Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the land use on the subject property from General Agriculture to Flood Hazard be approved.

As of this writing, the required sign has been posted on the property; however, the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the April 8, 2004 Planning Commission meeting if these requirements have not been met.

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Staff has received no inquiries or objections regarding the proposed request at the time of this writing.