

STAFF REPORT
September 25, 2008

No. 08SR082 - SDCL 11-6-19 Review to authorize the acquisition of land

ITEM 35

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR082 - SDCL 11-6-19 Review to authorize the acquisition of land
EXISTING LEGAL DESCRIPTION	The south 464.64 feet of the SE1/4NW1/4NE1/4 of Section 21, the south 464.64 feet of the NE1/4NE1/4, less Lot H1 of Section 21 and the SE1/4NE1/4 of Section 21, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80.83 acres
LOCATION	South of the intersection of Country Road and Elk Vale Road a distance of approximately 850 feet on the east side of Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	General Agriculture District (County)
West:	No Use District
PUBLIC UTILITIES	City sewer and water to be extended
DATE OF APPLICATION	9/17/2008
REVIEWED BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to authorize the acquisition of land be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to authorize the acquisition of land, an approximate 80 acre parcel. On June 16, 2008, the City Council acknowledged the donation of this 80 acre parcel to be used as park land. On June 20, 2008, a Warranty Deed was recorded at the Register of Deed's Office transferring the property to the City of Rapid City. Terms of the Warranty Deed state that the property must be used for recreational purposes by June 1, 2013 and used for recreational purposes thereafter. To date, the City has not approved the acquisition of land as required by South Dakota Codified

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Law, and as such, this application has been submitted for review and approval.

The property is located south of the intersection of Country Road and Elk Vale Road a distance of approximately 850 feet on the east side of Elk Vale Road. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Site Development: As previously indicated, the SDCL 11-6-19 Review request is to authorize the acquisition of land. As such, the boundary of the property to be acquired has been shown which identifies the location and extent of the area to be acquired for recreational uses as per the terms of the Warranty Deed. To date, there are no utility services to the property. In addition, the property is located within a federally designated 100 year floodplain area. The location and extent of future improvements on the property is not known at this time. As such, any future development of the site will require the review and approval of a separate SDCL 11-6-19 Review. The site design issues must be addressed as a part of that SDCL 11-6-19 Review.

Zoning: The property is currently zoned No Use District. The City's Future Land Use Plan identifies the appropriate use of the property as General Agriculture District. Parks, playgrounds and municipal uses are a permitted use in the General Agriculture District. In addition, public parks and playgrounds are a Conditional Use in the General Agriculture District. As such, the property must be rezoned and a separate SDCL 11-6-19 Review approved prior to developing the site.

Staff is recommending that the SDCL 11-6-19 Review to authorize the acquisition of land be approved.