

STAFF REPORT  
November 22, 2006

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**No. 06SR079 - SDCL 11-6-19 Review to acquire land for park purposes. ITEM 23**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 06SR079 - SDCL 11-6-19 Review to acquire land for park purposes</b>
EXISTING LEGAL DESCRIPTION	The W1/2 W1/2, NE1/4 SW1/4, and the unplatted portion of the NW1/4 SW1/4, less Tract A as shown on the plat filed in Plat Book 11, Page 40, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	Southwest of the intersection of Interstate 90 and North West Boulevard
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Park Forest District
East:	Office Commercial District (Planned Development Designation)
West:	Park Forest District
PUBLIC UTILITIES	None
DATE OF APPLICATION	10/27/2006
REVIEWED BY	Rodney Proffitt / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to acquire land for park purposes be approved.

GENERAL COMMENTS: The Rapid City Council has expressed an interest in acquiring approximately 40 acres of land for park purposes. The property in question is located directly adjacent to the greenway tracts and Rapid Creek. It also is adjacent to the "M-Hill" parcel owned by the South Dakota School of Mines and Technology Foundation.

The subject property is adjacent to approximately 10 acres of land owned by the South Dakota School of Mines and Technology Foundation. The property is readily identified by the "M". The subject property is north of Rapid Creek; just north and west of downtown Rapid City. Interstate 90 is north of Cowboy Hill. The subject property itself is zoned as Park Forest. The property immediately north and east of the subject property is also zoned as Park Forest. South of the

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property is the Rapid City Floodplain and is zoned as Public.

The subject property is zoned as Park Forest. North of this location the property is zoned as General Agriculture, south and west of the location is zoned Park Forest, and east of the location is zoned Office Commercial with a Planned Development Designation. The Future Land Use Plan identifies this area is suitable for Low Density Residential Development with a Planned Residential Designation.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission".

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and notes the following considerations:

Location: The subject property is in a natural state adjacent to the greenway tracts and Rapid Creek north and west of downtown Rapid City. It is a prominent landmark that can be seen from many parts of the City. Although private property, the public has enjoyed access to this property over the years and a number of trails have been worn into the hillsides as a result.

Extent: The City conducted an Open House for the Cowboy Hill Neighborhood Area Study on October 9, 2006 at the direction of the City Council. Approximately 50 people attended the open house, which was held in the commons area of Central High School. The public was supportive of efforts to preserve the hillsides for public uses and voiced concerns over development in that area. There is value to the community in maintaining natural habitat and view sheds have significance to the public and are desirable for their recreational and aesthetic benefit.

Staff is recommending approval of the SDCL 11-6-19 Review.