

STAFF REPORT
September 10, 2009

No. 09SR077 - SDCL 11-6-19 Review to authorize the acquisition of a well, appurtenances and property **ITEM 23**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Buntrock - Graziano - Ward Development Company, LLC
REQUEST	No. 09SR077 - SDCL 11-6-19 Review to acquire a well, appurtenances and property
EXISTING LEGAL DESCRIPTION	The north 165 feet of the east 185 feet of the E1/2 NE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.70 acres
LOCATION	North of the northern terminus of Dunsmore Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District - Suburban Residential District(Pennington County)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/14/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to authorize the acquisition of a well, appurtenances and property be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to authorize the acquisition of an existing well and an accessory electrical panel and to acquire an area of property measuring 165 feet by 185 feet. The well and appurtenances are located on the 165 feet by 185 feet area of property which is a part of a larger 39.95 acre unplatted parcel. As such, the applicant is proposing to create an H Lot in order to transfer ownership of this portion of the property.

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The property is located at the northern terminus of Dunsmore Road. The lots to the east and south of the property are zoned Low Density Residential District with a Planned Residential Development and is the location of Red Rock Meadows Subdivision. The property to the west is zoned General Agriculture District and is the location of the Red Rock Estates Golf Course. The parcel located north of the property is located outside of the corporate limits of the City of Rapid City and is currently zoned General Agriculture District and Suburban Residential District by Pennington County.

South Dakota Codified Law 11-6-22 states that "The...acquisition of land for any street or other public way, ground, place property or structure shall be subject to submission and approval similar to that provided in 11-6-19 to 11-6-20." The City is proposing to acquire the property and the existing well and appurtenances. The property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the acquisition be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

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

H Lot: As noted above, the applicant is proposing to create an H Lot in order to transfer ownership of the 165 foot by 185 foot area of property to the City. The applicant should be aware that once this SDCL 11-6-19 Review is approved to authorize the acquisition of a well, appurtenances and property, a request must be submitted to the Public Works Committee and, subsequently, the City Council for authorization to prepare an H Lot and to authorize acceptance of the deed.

Well/Appurtenances: As noted above, the well and electric panel currently exist on the property. The applicant should be aware that any future expansion of the facility will require the review and approval of a separate SDCL 11-6-19 Review application. At that time, plans identifying parking, landscaping, lighting, signage, fencing, etc. must be submitted for review and approval. Since this request is to authorize the acquisition of the existing well, appurtenances and property only, the information is not required at this time.

Collector Street: The Major Street Plan identifies a collector street located in the northeast corner of the property. The location of the existing well and electric panel does not appear to interfere with the location of the future collector street. The applicant should be aware that any future expansion of the facility must be designed to insure compliance with the City's Major Street Plan.

The location and extent of the infrastructure proposed for acquisition is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review be approved.