

STAFF REPORT  
May 26, 2005

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**No. 05AN001 - Petition for Annexation**

**ITEM 7**

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GENERAL INFORMATION:

PETITIONER	Dream Design International for SPF, LLC
REQUEST	<b>No. 05AN001 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	Government Lot 4, the unplatted portion of the SE1/4 SW1/4, and the unplatted portion of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 146.82 acres
LOCATION	North of Country Road east of West Nike Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District/Low Density Residential District (Pennington County)
South:	General Agriculture District/Limited Agriculture District (Pennington County)
East:	General Agriculture District/Limited Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Karen Bulman / Curt Huus

RECOMMENDATION: Staff recommends that the Petition for Annexation be **approved contingent on any payment due to the North Haines Fire Protection District being paid by the City of Rapid City.**

GENERAL COMMENTS: **This staff report has been revised as of May 18, 2005. All revised and/or added text is shown in bold print. The process for annexation by petition is provided for under Section 9-4-1 SDCL, which states that by resolution, the City may annex a contiguous area if the written petition describing the boundaries of the area is signed by no less than three-fourths of the registered voters and by owners of no less than three-fourths of the value of the area to be annexed. This petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.**

In addition to this application for a Petition to Annex (05AN001), the applicant has submitted

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a request for a Rezoning from No Use District to Low Density Residential District (05RZ008) and a Planned Development Designation (05PD006), a Rezoning from No Use District to Medium Density Residential District (05RZ015) and a Planned Development Designation (05PD005), a Rezoning from No Use District to Low Density Residential District (05RZ014), a Layout Plat for the subject property (05PL022), a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer (05SV012), and an Amendment to the Comprehensive Plan to change the land use from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development (05CA011).

STAFF REVIEW: This undeveloped property contains approximately 146.82 acres and is located north of Country Road and east of West Nike Road. The property is currently in the process of annexation and is zoned No Use District upon annexation into the City limits. Land located west of the subject property is zoned Low Density Residential District. Land located south and east of the subject property is zoned General Agriculture District and Limited Agriculture District by Pennington County. Land located north of the subject property is zoned General Agriculture District and Low Density Residential District by Pennington County. The applicant has applied to plat the subject property, rezone the property from No Use District to Low Density Residential District and Medium Density Residential District, applied for a Planned Development Designation, requested an Amendment to the Comprehensive Plan, and has requested a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer.

Staff has reviewed the information provided by the applicant for all the submittals and is recommending that the Layout Plat be continued to allow the applicant to revise the Layout Plat document. Significant changes may occur on the property by revising the Layout Plat. As such, the applicant has requested that the Layout Plat and associated applications be continued to the March 24, 2005 Planning Commission meeting. Staff is recommending that the Petition for Annexation be continued to the March 24, 2005 Planning Commission meeting to allow the application to be heard in conjunction with the Layout Plat and associated applications. The applicant is continuing to revise the Layout Plat document and, as such, requests that this item be continued to the April 7, 2005 Planning Commission meeting (Revised 3-15-05). This item was continued at the April 7, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that the Annexation be continued to the April 21, 2005 Planning Commission meeting. (Revised 3-29-05) This item was continued at the April 21, 2005 Planning Commission meeting to allow the applicant time to submit additional information. To date, the information has not been submitted. As such, the applicant has requested that the Annexation be continued to the May 5, 2005 Planning Commission meeting. (Revised 4-26-05) **This item was continued at the May 5, 2005 Planning Commission meeting to allow the applicant time to submit additional information. The information has been submitted and the Layout Plat will be considered in conjunction with this application. (Revised 5-18-05)**

**The annexation area is presently located in the North Haines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The North Haines Fire Protection District**

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has been contacted to determine any costs that may need to be reimbursed. The North Haines Fire Protection District has indicated that they do have a capital improvement loan and will be requesting reimbursement. Annexation will be contingent on payment due to the North Haines Fire Protection District being paid by the City of Rapid City. (Revised 5-18-05)

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the North Haines Fire Protection District being paid by the City of Rapid City.