

STAFF REPORT

March 25, 2004

No. 04AN002 - Petition for Annexation

ITEM 45

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04AN002 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	W1/2 SW1/4 and SE1/4 SW1/4 all located in Section 22, T2N, R8E, BHM, Pennington County, South Dakota; E1/2 SE1/4 SE1/4 of Section 21, T2N, R8E, BHM, Pennington County, South Dakota; and the 66 foot section line right-of-way lying between the he SE1/4 of Section 21 and the SW1/4 of Section 22, all located in T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 140 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District/General Commercial District (County)
South:	Light Industrial District (City)/Box Elder
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/27/2004
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Box Elder Fire District or the North Haines Fire District.

GENERAL COMMENTS: The process for annexation by petition is provided for under Section 9-4-1 SDCL. This statute 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. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation as the owners of approximately 86.7% of the value of the area have requested annexation. The undeveloped property has no registered

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voters living in the area. The owners of the balance of the property listed on the petition for annexation have been notified of the annexation request.

This undeveloped property contains approximately 140 acres and is located along North Elk Vale Road north of U.S. Interstate 90. The property is adjacent to the northeast boundary of Rapid City and the northwest boundary of Box Elder. Upon approval of the annexation, this property will be designated as a No Use Zoning District.

In addition to the Petition to Annex the subject property, the applicant has submitted fifteen companion applications including: Preliminary Plat, Subdivision Variance, five Rezoning applications, three Planned Development applications, and five Comprehensive Plan Amendments (See companion items: 04PL020, 04SV014, 04RZ008, 04CA005, 04PD014, 04RZ009, 04CA006, 04PD015, 04RZ010, 04CA007, 04RZ011, 04CA008, 04RZ012, 04CA009, and 04PD016).

STAFF REVIEW: The subject property is adjacent to the Rapid City limits and is currently zoned General Agriculture District by Pennington County. The properties to the north are zoned General Agriculture District and General Commercial District by Pennington County. Properties located to the south are zoned Light Industrial District by Rapid City and the Box Elder City limits. Properties to the east and west are zoned General Agriculture District by Pennington County.

The annexation area is presently located in the Box Elder Fire Protection District and the North Haines Fire District. Under SDCL 34-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The Box Elder Fire District and the North Haines Fire District have been contacted to determine any costs that may need to be reimbursed. As of this writing, the Box Elder Fire District and the North Haines Fire District have not indicated a reimbursement request. Annexation will be contingent on any payment due to the Box Elder Fire District or the North Haines Fire District.

The process for annexation by petition, provided for under Section 9-4-1 SDCL 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. Over 86% of the property owners have signed the annexation petition and the balance of the property owners have been notified of the Petition for Annexation. There are no voters currently living in the area.

The applicant indicates that approximately 120 acres of the subject property will be developed into a residential and commercial area known as Elk Vale Park. It is important to be able to provide needed infrastructure based on City standards, including water and sewer, to the residents who will occupy this subdivision adjacent to the City limits. The annexation of the subject property will allow City water and sewer to be extended to the site.

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Staff is recommending that the annexation be approved contingent on any payment due to the Box Elder Fire District or the North Haines Fire District.