

STAFF REPORT
August 26, 2004

No. 04AN009 - Petition for Annexation

ITEM 22

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST EXISTING LEGAL DESCRIPTION	No. 04AN009 - Petition for Annexation W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 130 acres
LOCATION	East of South Highway 16 and south of Sammis Trail
EXISTING ZONING	General Agriculture District/Planned Unit Development (County)
SURROUNDING ZONING	
North:	General Agriculture District (City)/Limited Agriculture District (County)
South:	Planned Unit Development (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Karen Bulman / Sig Zvejnieks

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

GENERAL COMMENTS: **This staff report has been revised as of August 16, 2004. All revised and/or added text is shown in bold print.** This application was continued at the July 22, 2004 Planning Commission in order to be heard in conjunction with the rezoning of the subject property. (Revised 7-27-04) **This application was continued at the August 5, 2004 Planning Commission meeting in order to be heard in conjunction with the rezoning of the subject property. (Revised 8-16-04)** 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 the Petition to Annex the subject property, the applicant has submitted a

STAFF REPORT
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ITEM 22

request to rezone the property from No Use District to Low Density Residential District (04RZ037), a Layout Plat for the subject property (04PL097), a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement (04SV042), and a Comprehensive Plan Amendment to change the Major Street Plan (04CA029).

STAFF REVIEW: This undeveloped property is located **east (Revised 8-16-04)** of South Highway 16 and south of Sammis Trail. The property is currently zoned General Agriculture District and Planned Unit Development by Pennington County. Land located south of the subject property is zoned Planned Unit Development by Pennington County. Land located north of the subject property is zoned General Agriculture District in the City and Limited Agriculture District by Pennington County. Land located east and west of the subject property is zoned General Agriculture District by Pennington County. The applicant has applied to plat the subject property, amend the Major Street Plan through a Comprehensive Plan Amendment, rezone the property from No Use District to Low Density Residential District, applied for a Planned Development Designation and has requested a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement.

The annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The Whispering Pines Fire District has been contacted to determine any costs that may need to be reimbursed. The Whispering Pines Fire 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 Whispering Pines Fire District being paid by the City of Rapid City.

Staff is recommending that the annexation be continued to the August 5, 2004 meeting to be heard in conjunction with the rezoning of the subject property. As the rezoning of the subject property will be heard by the Planning Commission on August 5, 2004, staff is recommending that the annexation be approved contingent on any payment due to the Whispering Pines Fire District being paid by the City of Rapid City (revised 7-27-04). **The rezoning of the subject property was continued at the August 5, 2004 Planning Commission meeting and will now be heard by the Planning Commission on August 26, 2004. Staff is recommending that the annexation be approved contingent on any payment due to the Whispering Pines Fire District being paid by the City of Rapid City (Revised 8-16-04).**

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