

STAFF REPORT
September 22, 2005

No. 04AN009 - Petition for Annexation

ITEM 5

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 **continued to the October 27, 2005 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS: **This staff report has been revised as of September 13, 2005.**

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 request to rezone the property from No Use District to Low Density Residential District

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(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). The rezoning of the subject property was continued at the August 26, 2004 Planning Commission meeting to allow the US Highway 16 Future Land Use Plan to be heard at the Planning Commission meeting on October 14, 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 October 8, 2004) The Planning Commission continued the draft US Highway 16 Corridor Future Land Use Plan to a special November 4, 2004 Planning Commission meeting which will be held at 7:00 p.m. in the City Council Meeting Room. As such, the applicant has requested that this item be continued to the November 24, 2004 Planning Commission meeting. (Revised October 15, 2004) The Planning Commission recommended approval of the US Highway 16 Corridor Future Land Use Plan on November 4, 2004. At the November 8, 2004 City Council meeting, the Council continued action on the Future Land Use Plan to a Special Council meeting to be

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held December 13, 2004 at 7 pm. As such, staff recommends that this item be continued to the January 6, 2005 Planning Commission meeting (Revised 11-16-04). At the December 13, 2004 Special Council meeting, the Council continued action on the Future Land Use Plan to a Special Council meeting to be held on January 10, 2005. As such, staff recommends that this item be continued to the January 27, 2005 Planning Commission meeting (Revised 12-27-04). At the January 10, 2005 Special Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on January 24, 2005 with action to be taken at the February 7, 2005 City Council meeting. As such, the applicant requests that this item be continued to the February 24, 2005 Planning Commission meeting (Revised 1-14-05). At the February 7, 2005 City Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on February 28, 2005. As such, the applicant requests that this item be continued to the March 10, 2005 Planning Commission meeting (Revised 2-11-05). At the February 28, 2005 City Council meeting, the Council continued the Future Land Use Plan to a Special Council meeting to be held on March 28, 2005. As such, the applicant requests that this item be continued to the April 7, 2005 Planning Commission meeting (Revised 3-1-05). At the March 28, 2005 Special Council meeting, the Council continued the Future Land Use Plan to Special Council meetings to be held on April 11, 2005 and April 25, 2005. As such, the applicant requests that this item be continued to the May 5, 2005 Planning Commission meeting (Revised 3-29-05). At the March 28, 2005 Special Council meeting, the Council continued the Future Land Use Plan to Special Council meetings to be held on April 11, 2005 and April 25, 2005. Subsequently, the City Council continued the item to the May 2, 2005 City Council meeting. As such, the applicant requests that this item be continued to the May 26, 2005 Planning Commission meeting (revised 4-29-05). The City Council met on May 2, 2005 and continued the Future Land Use Plan to a Special Council meeting on May 9, 2005. Subsequently, the City Council continued the item to the May 16, 2005 City Council meeting. At the May 16, 2005 City Council meeting, the adoption of the US Highway 16 Corridor Future Land Use Plan was approved. The applicant requests that the annexation of the property be considered after the Future Land Use Plan is effective. Therefore, the applicant requests that the annexation of the subject property be continued to the July 7, 2005 Planning Commission meeting. (Revised 5-18-05) The US Highway 16 Corridor Future Land Use Plan was effective June 22, 2005. This item was continued at the May 26, 2005 Planning Commission meeting at the applicant's request. On May 26, 2005, staff met with the applicant's consultant and discussed outstanding issues specific to this site. In particular, it was identified that the applicant's consultant would submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Annexation be continued to the July 21, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information as identified and to allow the annexation to be heard in conjunction with the Layout Plat. (Revised 6-30-05) To date, the additional information has not been submitted for review and approval. The applicant requests that this annexation be continued to the August 4, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information identified. (Revised July 8, 2005) This item was continued at the July 21, 2005 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant's consultant on May 26, 2005 and discussed outstanding issues specific to this site. To date, the information has not been

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submitted for review and approval. On July 22, 2005, staff met with the applicant's consultant to further discuss the outstanding issues. The applicant's consultant has, subsequently, requested that this item be continued to the September 22, 2005 Planning Commission to allow sufficient time to address the identified items. As such, staff is recommending that the Petition for Annexation be continued to the September 22, 2005 Planning Commission meeting at the applicant's request. (Revised 7-25-05) **This item was continued at the August 4, 2005 Planning Commission meeting to allow the applicant to submit additional information. The applicant has, subsequently, requested that this item be continued to the October 27, 2005 Planning Commission meeting to allow them additional time to submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. As such, staff is recommending that the Petition for Annexation be continued to the October 27, 2005 Planning Commission meeting as requested.**