

STAFF REPORT  
May 4, 2006

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**No. 06AN001 - Petition for Annexation**

**ITEM 29**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 06AN001 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 160 acres
LOCATION	South of the intersection of Tartan Court and Catron Boulevard
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Low Density Residential (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/24/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Petition for Annexation be **continued to the May 25, 2006 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.**

GENERAL COMMENTS:

**(Update, April 28, 2006. All revised and/or added text is shown in bold print.) This item was continued at the April 6, 2006 Planning Commission meeting at the applicant's request. In response to comments from adjacent property owners, the applicant indicated that additional information addressing drainage and access would be submitted. On April 27, 2006 the applicant submitted a revised Layout Plat reducing the proposed density from 302 lots with 11 tracts to 298 lots with 11 tracts. Staff and/or the public have not had sufficient time to review the Layout Plat. As such, staff is recommending that the Layout Plat be continued to the May 25, 2006 Planning Commission meeting. Staff is also recommending that this Petition for Annexation be continued to the May 25, 2006 Planning Commission meeting to be**

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**heard in conjunction with the associated Layout Plat. Please note that no other part of this Staff Report has been revised.**

(Update, April 8, 2006. All revised and/or added text is shown in bold print.) This item was continued at the April 6, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update, March 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 23, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Petition for Annexation to annex the subject property into the City limits of Rapid City. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into 317 residential lots and 11 Tracts. (See companion item #06PL029.)

The property is located approximately 800 feet west of the intersection of Tartan court and Catron Boulevard, approximately 200 feet south of Catron Boulevard. Currently, the property is void of any structural development.

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.

**STAFF REVIEW:**

Staff has reviewed the Petition for Annexation and has noted the following considerations:

**Zoning:** The subject property contains approximately 160 acres and will be zoned No Use District upon annexation into the City limits. Land located north is zoned General Agriculture District by the City of Rapid City. In addition, the property located south and east is zoned General Agriculture District by Pennington County. Properties located west are zoned Low Density Residential Development with a Planned Residential Development. The Future Land Use Plan identifies the appropriate use of the subject property as a "Planned Residential Development with a maximum density of 4.8 dwelling units per acre". As such, the property must be zoned either Low Density Residential District and/or Medium Residential District as supported by the associated Layout Plat. In addition, an Initial and Final Planned Residential Development must be reviewed and approved prior to issuance of a building permit.

**Fire Department:** The property is presently located in the Whispering Pines Fire 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. Annexation will be contingent on any payment due to the Whispering Pines Fire District being paid by the City of Rapid City.

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