

STAFF REPORT  
April 24, 2008

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**No. 08AN004 - Petition for Annexation**

**ITEM 6**

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GENERAL INFORMATION:

APPLICANT/AGENT	Tony Berendse
PROPERTY OWNER	Vabco, LLP
REQUEST	<b>No. 08AN004 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	Lot 1A of Lot 1 (Revised) of Prairie Hills Subdivision and the 50 foot Section line right-of-way known as Maple Avenue located west and adjacent to Lot 1A of Lot 1 (Revised) of Prairie Hills Subdivision, all in Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.99 acres
LOCATION	300 East Mall Drive
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Commercial District
East:	General Agriculture District (Pennington County) - General Commercial District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Cistern and Septic System
DATE OF APPLICATION	3/27/2008
REVIEWED BY	Karen Bulman / Karley Halsted

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

GENERAL COMMENTS: 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: This developed property contains approximately 2.99 acres and is located at 300 E. Mall Drive. There are several existing structures located on this property. Water is

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currently provided through the use of a water cistern. The property owner has indicated an interest in the future connection to City water, located in Mall Drive. The property is zoned General Commercial District by Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the property is zoned General Agriculture District by Pennington County. Land located east of the property is zoned General Commercial District by the City and General Agriculture District by Pennington County. Land located south of the property is zoned General Commercial District. Land located west of the property is zoned General Commercial District with a Planned Commercial Development. The Northeast Area Future Land Use Plan indicates that this area may be appropriate for General Commercial with a Planned Commercial Development land uses. The North Maple Avenue extension, located adjacent to the property, is identified as a proposed collector on the Major Street Plan.

The proposed annexation area is presently located in the North Elk Fire Protection District. Under SDCL 31-31A-35, a municipality is obligated to compensate Fire Districts when annexation diminishes their tax base. The North Elk Fire District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the North Elk Fire District being made by the City of Rapid City.

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