

STAFF REPORT  
June 26, 2008

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**No. 08AN009 - Petition for Annexation**

**ITEM 6**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Christopher D. Hamm/Hamm Trust
REQUEST	<b>No. 08AN009 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	A portion of NE¼ of the SE¼ of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. More fully described as follows: Commencing at the Section ¼ Corner common to Sections 28 and 29, T1N, R7E, BHM, thence S81°22'09"W, a distance of 252.93 feet, to a point on the southerly edge of Portrush Road right-of-way, and the point of beginning; Thence, first course: S00°00'35"W, a distance of 110.00 feet; Thence, second course: N89°59'25"W, a distance of 380.64 feet; Thence, third course: N00°00'35"E, a distance of 110.00 feet, to a point on the southerly edge of Portrush Road right-of-way; Thence, fourth course: S89°59'25"E, along the southerly edge of Portrush Road right-of-way, a distance of 380.64 feet, to the point of beginning
PARCEL ACREAGE	Approximately 0.961 acres
LOCATION	South of Portrush Road and west of Dunsmore Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Planned Unit Development (Pennington County)
East:	Low Density Residential District (Planned Residential Development)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	5/30/2008
REVIEWED BY	Karen Bulman / Karley Halsted

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

GENERAL COMMENTS: The process for annexation by petition is provided for under Section

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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.

A Preliminary Plat (#08PL089) to subdivide this property into three lots and a Rezoning from No Use District to Medium Density Residential District (#08RZ021) have been submitted with this application.

STAFF REVIEW: This undeveloped property contains approximately 0.961 acres and is located south of Portrush Road and west of Dunsmore Road. The property is void of any existing structures. The property is zoned Planned Unit Development 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 Low Density Residential District. Land located east of the property is zoned Low Density Residential District with a Planned Residential Development. Land located west and south of the property is zoned Planned Unit Development District by Pennington County. The Adopted Comprehensive Plan indicates that this area may be appropriate for residential uses. The draft Sheridan Lake Road Neighborhood Area Future Land Use Plan identifies the property as appropriate for Low Density Residential uses.

The City Council has adopted a short and long term annexation priority list and the property is identified as a long term priority. As such, the annexation of this property is appropriate. In addition, in order to promote the orderly growth and development of Rapid City, the annexation of contiguous land is required before it is platted. A proposed Preliminary Plat (#08PL089) to subdivide the property into three lots has been submitted with this annexation and will include a stipulation that the property must be annexed prior to approval. City water and sewer service for the three lots will be extended from Portrush Road or Dunsmore Road located adjacent to the property. Access to this property will be from Portrush Road, a collector street on the City's Major Street Plan.

The proposed annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 34-31A-35, a municipality is obligated to compensate 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 payment due to the Whispering Pines 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 Whispering Pines Fire Protection District being paid by the City of Rapid City.