

STAFF REPORT  
October 7, 2010

---

**No. 10AN003 - Petition for Annexation**

**ITEM 2**

---

GENERAL INFORMATION:

|                               |  |
|-------------------------------|--|
| APPLICANT                     | Chris Schwartz - Fresh Start Convenience Stores  |
| PROPERTY OWNER                | Chris Schwartz   |
| REQUEST                       | <b>No. 10AN003 - Petition for Annexation</b>   |
| EXISTING<br>LEGAL DESCRIPTION | Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE                | Approximately 0.66 acres   |
| LOCATION                      | 3887 E. Highway 44   |
| EXISTING ZONING               | General Commercial (Pennington County)   |
| SURROUNDING ZONING            |  |
| North:                        | General Commercial District (Pennington County)  |
| South:                        | Low Density Residential District   |
| East:                         | General Commercial District (Pennington County)  |
| West:                         | General Commercial District  |
| PUBLIC UTILITIES              | Rapid Valley Sanitary District   |
| DATE OF APPLICATION           | 9/15/2010  |
| REVIEWED BY                   | Karen Bulman / Mary Bosworth   |

RECOMMENDATION:

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley 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 property contains approximately 0.66 acres and is located at 3887 E. Highway 44. A convenience store is currently located on the property. The adjacent property to the west is within the City limits and is also owned by the convenience store owner. The property owner wishes to have both parcels located in the City limits.

The property is zoned General Commercial District by Pennington County and will be zoned

STAFF REPORT  
October 7, 2010

---

**No. 10AN003 - Petition for Annexation**

**ITEM 2**

---

No Use District upon annexation into the City limits. Land located north and east of the property is zoned General Commercial District by Pennington County. Land located west of the property is zoned General Commercial District. Land located south of the property is zoned Low Density Residential District. The Southeast Connector Neighborhood Area Future Land Use Plan identifies the property as appropriate for General Commercial land uses. Access to this property is from E. Highway 44, a principal arterial street on the City's Major Street Plan. The property is served by the Rapid Valley Sanitary District.

The proposed annexation area is presently located in the Rapid Valley Fire Protection District. Under SDCL 34-31A-35, a municipality is obligated to compensate Fire Districts when annexation diminishes their tax base. The Rapid Valley Fire District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the Rapid Valley 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 Rapid Valley Fire Protection District being paid by the City of Rapid City.