

STAFF REPORT
August 25, 2011

No. 11AN001 - Petition for Annexation

ITEM 3

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Cross Country Real Estate LLC
REQUEST	No. 11AN001 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	A portion of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Commencing at the Section $\frac{1}{4}$ Corner common to Sections 9 and 10, T1N, R8E, BHM, thence, S00°05'57"W, along the section line common to said Sections 9 and 10, a distance of 169.01 feet, thence, S89°54'03"E, a distance of 33.00 feet to a point on the easterly edge of Jolly Lane right-of-way, and the point of beginning; Thence, first course: S51°11'21"E, a distance of 388.65 feet; Thence, second course: S38°48'39"W, a distance of 190.00 feet, to a point on the northerly edge of E. Highway 44 right-of-way; Thence, third course: N51°11'21"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 190.24 feet; Thence, fourth course: N30°37'50"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 70.45 feet, to the easterly edge of said Jolly Lane right-of-way; Thence, fifth course: N00°05'57"E, along the easterly edge of said Jolly Lane right-of-way, a distance of 211.79 feet, to a point the point of beginning
PARCEL ACREAGE	Approximately 1.350 acres
LOCATION	At the northeast corner of Jolly Lane and East Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Commercial District (Rapid City)
East:	General Commercial District (Pennington County)
West:	General Commercial District (Rapid City)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/28/2011
REVIEWED BY	Karen Bulman / Ted Johnson

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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 1.350 acres and is located at the northeast corner of Jolly Lane and South Dakota East Highway 44. A Preliminary Plat (11PL036) has been submitted to subdivide a previously unplatted 35 acre parcel, creating this 1.350 acre parcel and leaving a non-transferable balance. Black Hills Speedway is located on the balance of this property. In addition, a Subdivision Variance (11SV011) to waive curb, gutter, sidewalk, and sewer along Jolly Lane, and a Subdivision Variance (11SV012) to waive additional pavement along Jolly Lane, have been submitted in conjunction with the Preliminary Plat and the Annexation Petition. In 1983, the City Council approved a resolution requiring that all properties being platted and contiguous to Rapid City, be annexed into the City limits of Rapid City prior to Preliminary Plat approval. The adjacent properties to the south and west are within the City limits.

The property is zoned General Commercial District by Pennington County and will be zoned No Use District upon annexation into the City limits. The applicant should be aware that prior to obtaining a building permit, the property will need to be rezoned from No Use District to General Commercial District in compliance with the City's Future Land Use Plan. Land located north of the property is zoned General Commercial District by Pennington County. Land located south of the property is zoned General Commercial District by the City. Land located east of the property is zoned General Commercial District by Pennington County. Land located west of the property is zoned General Commercial District by the City. The City's Future Land Use Plan identifies the property as appropriate for General Commercial land use. Access to this property is from Jolly Lane, a collector 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.