

STAFF REPORT  
September 20, 2012

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**No. 12AN004 - Petition for Annexation**

**ITEM 3**

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GENERAL INFORMATION:

APPLICANT	Pat Tlustos - Highway 16 Properties, LLC
PROPERTY OWNER	Highway 16 Properties, LLC
REQUEST	<b>No. 12AN004 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	Lot A of the SW1/4 NW1/4 of Section 26, T1N, R7E and Lot A of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.09 acres
LOCATION	7001 South Highway 16
EXISTING ZONING	Planned Unit Development District (Pennington County)
FUTURE LAND USE DESIGNATION	Commercial and Residential
SURROUNDING ZONING	
North:	General Commercial District
South:	Suburban Residential District - Highway Services (Pennington County)
East:	General Commercial District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	August 22, 2012
REVIEWED BY	Patsy Horton / Nicole Lecy

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 and removal of the two abandoned on-premise signs.

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 10.09 acres and is located at 7001

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South Highway 16. Pennington County approved Planned Unit Development #94-10 to allow a campground on the property; however, the campground appears to have been abandoned. In 1983, the City Council approved a resolution requiring annexation into the City limits of Rapid City for any and all properties being platted and contiguous to Rapid City. The adjacent property to the north is within the City limits.

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 General Commercial District. Land located south of the property is zoned Suburban Residential District and Highway Service District by Pennington County. Land located west of the property is zoned Suburban Residential District by Pennington County. Land located east of the property is zoned General Commercial District. The City's Future Land Use Plan identifies the property as appropriate for the eastern portion of the property as Commercial and the western portion of the property as Residential. A Comprehensive Plan Amendment may be necessary for that portion of the property designated as Residential if the applicant intends to utilize the property for land uses other than residential.

Access to this property is from South Highway 16 Service Road, a collector street on the City's Major Street Plan. City water and sewer is available to the eastern portion of the proposed annexation; however, City water and sewer extensions may be necessary to provide utilities to the western portion of the proposed annexation area.

There appears to be two abandoned on-premise signs. As such, prior to annexation, the signs must be removed per Chapter 15.28.050.

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.