

STAFF REPORT
June 24, 2004

No. 04AN005 - Petition for Annexation

ITEM 13

GENERAL INFORMATION:

PETITIONER	Bill Freytag
REQUEST	No. 04AN005 - Petition for Annexation
LEGAL DESCRIPTION	Beginning at the northeast corner of Lot 1, Block 4, Tyler Knue Subdivision; thence first course: N00°17'18"E a distance of 131.86 feet; thence second course: N89°36'51"W a distance of 145.05 feet; thence third course: S00°17'18"W a distance of 132.11 feet; thence fourth course: S89°44'51"E a distance of 145.05 feet to the point of beginning; located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.440 acres
LOCATION	900 Nicole Street
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Low Density Residential II District
East:	Low Density Residential District
West:	Low Density Residential II District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	05/28/2004
REVIEWED BY	Karen Bulman / Dave Johnson

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on any payment due to the North Haines Fire District.

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.

In addition to the Petition to Annex the subject property, the applicant has submitted a Preliminary Plat for the subject property to enlarge an existing lot (04PL075) and a Variance

STAFF REPORT
June 24, 2004

No. 04AN005 - Petition for Annexation

ITEM 13

to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement (04SV036).

STAFF REVIEW: This undeveloped property is located at 900 Nicole Street, west of Brooke Street and north of Nicole Street. The property is currently zoned General Agriculture District by Pennington County. Land located south of the subject property is zoned Low Density Residential II District. Land located north, east and west of the subject property is zoned General Agriculture District by Pennington County. The applicant has applied to re-plat the subject property to enlarge the existing lot and has requested a Variance to the Subdivision Regulations to waive the requirement to construct the northern portion of Brooke Street abutting the subject property.

The annexation area is presently located in the North Haines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The North Haines Fire District has been contacted to determine any costs that may need to be reimbursed. As of this writing, the North Haines Fire District has not indicated that any reimbursement is due. Annexation will be contingent on any payment due to the North Haines Fire District being paid by the City of Rapid City.

Staff has not received any adverse comments regarding the requested annexation and as such finds this area appropriate for annexation. Staff is recommending that the annexation be approved contingent on any payment due to the North Haines Fire District.