

STAFF REPORT

March 25, 2004

No. 04AN001 - Petition for Annexation

ITEM 38

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04AN001 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	SW1/4 NE1/4 and SE1/4 NE1/4 less that 33 foot strip of land located in the SE1/4 NE1/4 lying within the Rapid City Corporate Boundary, Section 23, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80.1547 acres
LOCATION	West of Bunker Drive
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	Mobile Home Residential District (City)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/27/2004
REPORT BY	Karen Bulman

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. This statute 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. The 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 Planned Development Designation for the subject property and two Rezoning requests to change the zoning designation on the west half of the subject property from No Use District to Park Forest District and to change the zoning designation on the east half of the subject property from No Use District to Low Density Residential District. The applicant has also

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ITEM 38

submitted a Comprehensive Plan Amendment to the Long Range Comprehensive Plan to change the land use designation on the east half of the subject property from Park Forest to Low Density Residential with a Planned Residential Development. Lastly, the applicant has also submitted a Layout Plat to subdivide an 80 acre parcel into 105 residential lots to be known as Rainbow Ridge Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer; to waive the requirement to provide sidewalks on both sides of the street; and, to allow lots twice as long as they are wide. (See companion items 04SV009, 04PL014, 04RZ004, 04RZ005, 04CA004 and 04PD009.)

The property is located west of the CHMH Subdivision and west of Haines Avenue and is currently void of any structural development.

STAFF REVIEW: The subject property is adjacent to the Rapid City limits and is currently zoned General Agriculture District by Pennington County. The properties to the north, south and west are zoned General Agriculture District by Pennington County. The properties to the east of the subject property are zoned Mobile Home Residential District.

The annexation area is presently located in the North Haines Fire Protection District. Under SDCL 34-31A-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 a reimbursement request. Annexation will be contingent on any payment due to the North Haines Fire District.

The process for annexation by petition, provided for under Section 9-4-1 SDCL 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. As such, this area has been identified as appropriate for annexation.

Staff is recommending that the annexation be approved contingent on any payment due to the North Haines Fire District.