

STAFF REPORT
July 22, 2004

No. 04AN008 - Petition for Annexation

ITEM 33

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST EXISTING LEGAL DESCRIPTION	No. 04AN008 - Petition for Annexation W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 60 acres
LOCATION	East of Red Rock Estates Subdivision and north of Sheridan Lake Road
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Low Density Residential District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Karen Bulman / Dave Johnson

RECOMMENDATION: Staff recommends that the Petition for Annexation, with the revised legal description of W1/2 of NW1/4 less the N1/2 NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, be approved contingent on any payment due to the Whispering Pines 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 request to rezone the property from No Use District to Low Density Residential District (04RZ036), a Vacation of Right-of-way (04VR005), a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement (04SV041), and a Comprehensive Plan Amendment to change the Major Street Plan (04CA028).

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STAFF REVIEW: This undeveloped property is located east of Red Rocks Estates Subdivision and north of Sheridan Lake Road. The property is currently zoned Suburban Residential District by Pennington County. Land located south and east of the subject property is zoned Suburban Residential District by Pennington County. Land located north and west of the subject property is zoned Low Density Residential District. The applicant has requested to rezone the property from No Use District to Low Density Residential District, change the Major Street Plan, and vacate a right-of-way, and has requested a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement.

Staff reviewed the annexation request and noted that the N1/2 NW1/4 NW1/4 portion of the annexation request is currently located in the City limit boundaries. Therefore, staff is requesting that the legal description be revised to remove the portion of property currently within City limit boundaries from the annexation request.

The subject property is located adjacent to Red Rock Estates and will be a continuation of the growth of the corporate limits of Rapid City. A layout plat for the property was approved at the June 19, 2004 City Council meeting. Water and sewer services are available in the area. Upon submittal of the preliminary plat for the subject property, plans for the extensions of the water and sewer services will need to be reviewed and approved.

The annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural 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. As of this writing, the Whispering Pines Fire District has not indicated that any reimbursement is due. Annexation will be contingent on any payment due to the Whispering Pines 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 with the revised legal description be approved contingent on any payment due to the Whispering Pines Fire District.