

STAFF REPORT
July 21, 2005

No. 05AN007 - Petition for Annexation

ITEM 8

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Doeck, LLC
REQUEST	No. 05AN007 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	5230 Haines Avenue
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District - Planned Residential District
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	6/9/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION: Staff recommends that the Petition for Annexation be **approved contingent on any payment due to the North Elk Fire Protection District being paid by the City of Rapid City.**

GENERAL COMMENTS: **This staff report has been revised as of July 11, 2005. All revised and/or added text is shown in bold print.** 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 undeveloped property contains approximately 40 acres and is located north of Northbrook Village and east of Haines Avenue. The property will be zoned No Use District upon annexation into the City limits. Land located north, east and west of the subject property is zoned General Agriculture District by Pennington County. Land located south of the subject property is zoned Low Density Residential District with a Planned Residential Development. Applications for a Preliminary Plat (05PL090), a Planned Development Designation (05PD047) and a Rezoning from No Use District to Low Density

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Residential District (05RZ042) for the subject property have been submitted. The applicant has submitted a Comprehensive Plan Amendment (05CA030) for a portion of the subject property to change the land use from Planned Residential Development with a maximum 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development.

The annexation area is presently located in the North Elk Fire District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The North Elk Fire District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on any payment due to the North Elk Fire District being paid by the City of Rapid City.

Staff recommends that the Petition for Annexation be **approved contingent on any payment due to the North Elk Fire Protection District being paid by the City of Rapid City. (Revised 7-11-05)**