

STAFF REPORT  
September 7, 2006

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**No. 06AN003 - Petition for Annexation**

**ITEM 2**

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GENERAL INFORMATION:

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| PETITIONER                    | Dream Design International, Inc.   |
| REQUEST                       | <b>No. 06AN003 - Petition for Annexation</b>   |
| EXISTING<br>LEGAL DESCRIPTION | The unplatted portion of the E1/2 NE1/4, Section 21,<br>T1N, R8E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE                | Approximately 80.85  |
| LOCATION                      | Southeast of Elk Vale Road, northeast of Old Folsom<br>Road and south of Elks Country Estates          |
| EXISTING ZONING               | Limited Agriculture District (Pennington County)   |
| SURROUNDING ZONING            |  |
| North:                        | Low Density Residential II District (Planned Residential<br>Development)                               |
| South:                        | Limited Agriculture District (Pennington County)   |
| East:                         | Limited Agriculture District (Pennington County)   |
| West:                         | Limited Agriculture District (Pennington County)   |
| PUBLIC UTILITIES              | To be extended   |
| DATE OF APPLICATION           | 6/9/2006   |
| REVIEWED BY                   | Karen Bulman / Todd Peckosh  |

RECOMMENDATION: Staff recommends that the Petition for Annexation be continued to the **September 21, 2006** Planning Commission meeting at the applicant's request.

GENERAL COMMENTS: **This staff report has been revised as of August 29, 2006. All revised and/or added text is shown in bold print. This item was continued at the August 24, 2006 Planning Commission meeting at the applicant's request.**

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 this application for a Petition for Annexation (06AN003), the applicant has submitted a request for a Rezoning from No Use District to Low Density Residential District (06RZ019), a Comprehensive Plan Amendment changing the land use from General Agriculture to Low Density Residential with a Planned Residential Development (06CA018),

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a Planned Development Designation (06PD044), a Preliminary Plat (06PL090), a Variance to the Subdivision Regulations (06SV039) and a SDCL 11-6-19 Review (06SR052).

STAFF REVIEW: This undeveloped property contains approximately 80.85 acres and is located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates. The property is currently zoned General Agriculture District in Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located east, west and south of the subject property is zoned Limited Agriculture District by Pennington County. The applicant has applied to rezone the subject property from No Use District to Low Density Residential District (06RZ019) in conjunction with the Petition for Annexation.

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

Staff recommends that the Petition for Annexation be continued to the **September 21, 2006** Planning Commission at the applicant's request in order to be heard in conjunction with the Preliminary Plat application.