

STAFF REPORT
January 25, 2007

No. 06AN007 - Petition for Annexation

ITEM 3

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06AN007 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	A tract of land located in the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota more particularly described as follows: Beginning at a the C-W1/16 corner of said Section 3; thence along the east/west 1/4 line of said Section 3 S89°57'22"W a distance of 662.08 feet; thence S89°56'40"W a distance of 208.22 feet; thence S00°12'49"E a distance of 662.59 feet; thence N89°58'04"E a distance of 413.48 feet; thence S00°00'00"E a distance of 31.60 feet; thence N89°52'05"E a distance of 689.38 feet; thence S00°01'33"E a distance of 631.94 feet; thence N89°46'49"E a distance of 159.74 feet; thence S89°56'58"E a distance of 240.23 feet; thence S89°55'17"E a distance of 62.97 feet; thence N89°59'12"E a distance of 252.11 feet; thence N00°14'43"W a distance of 186.68 feet; thence N00°16'15"W a distance of 115.1 feet; thence S89°45'52"W a distance of 92.79 feet; thence N05°55'11"W a distance of 47.62 feet; thence N22°54'31"W a distance of 54.50 feet; thence N40°36'51"W a distance of 920.50 feet; thence N19D10'56"W a distance of 55.10 feet; thence N71°12'38"E a distance of 14.49 feet; thence N00°03'34"W a distance of 170.35 feet; thence S89°57'22"W a distance of 226.32 feet To the point of beginning: said tract containing 28.29 acres more or less.
PARCEL ACREAGE	Approximately 28.29 acres
LOCATION	South of Homestead Street between Elk Vale Road and Degeest Drive
EXISTING ZONING	Limited Agriculture District (Pennington County) - Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development) - Office Commercial District (Planned Commercial Development)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)

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West:	General Commercial District – Light Industrial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/29/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a Petition for Annexation to annex the subject property into the City limits of Rapid City. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property creating a 31.09 acre lot, leaving a 6.25 acre unplatted balance. (See companion item 06PL192.)

The property is located east of Elk Vale Road and west of Degeest Street. Currently, the property is void of any structural development.

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:

Staff has reviewed the Petition for Annexation and has noted the following considerations:

Zoning: The subject property contains approximately 31 acres and will be zoned No Use District upon annexation into the City limits. Land located west of the proposed plat is zoned General Commercial District and Light Industrial District by the City of Rapid City. In addition, the land located north of the proposed plat is zoned General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development by the City of Rapid City. The property located south and east of the proposed plat is zoned Suburban Residential District by Pennington County. The Future Land Use Plan identifies the appropriate use of the southern portion of the property as Public with an alternate land use of Low Density Residential District. In addition, the Future Land Use Plan identifies the appropriate use of the subject property along Neel Street as Neighborhood Commercial with a Planned Commercial Development. The appropriate land use of the western portion of the property along Elk Vale Road is identified as General Commercial with a Planned Commercial Development. Lastly, the appropriate land use of the eastern portion of the property is identified as Low Density Residential and as Medium Density Residential with a Planned Residential Development. Prior to issuance of a building permit or within 120 days after the effective date of annexation as per Chapter 17.26.020, the property must be rezoned as identified on the Elk Vale Neighborhood Future Land Use

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Plan as identified or a Comprehensive Plan Amendment to the Future Land Use Plan must be obtained.

Fire Department: The property is presently located in the Rapid Valley Fire District. Under SDCL 34-31A-35, a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The Rapid Valley Fire Department has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on any payment due to the Rapid Valley 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 Rapid Valley Fire Protection District being paid by the City of Rapid City.