

STAFF REPORT  
June 5, 2008

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**No. 08AN008 - Petition for Annexation**

**ITEM 7**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	<b>No. 08AN008 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ ; S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; SW $\frac{1}{4}$ SE $\frac{1}{4}$ less the south 33 feet; W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ less the south 33 feet; Section 21, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 343.5 acres
LOCATION	East of Dyess Avenue and west of Elk Vale Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	No Use District - Limited Agriculture District (Pennington County) - General Commercial District (Pennington County)
South:	Light Industrial District - General Agriculture District
East:	No Use District - General Agriculture District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	5/8/2008
REVIEWED BY	Karen Bulman / Ted Johnson

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

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.

STAFF REVIEW: This undeveloped property contains approximately 343.5 acres and is located east of Dyess Avenue, north of Seger Road and west of Elk Vale Road. The property is

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void of any existing structures. The property is zoned General Agriculture District by Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the property is zoned No Use District by Rapid City and Limited Agriculture District and General Commercial District by Pennington County. Land located east of the property is zoned No Use District and General Agriculture District. Land located south of the property is zoned Light Industrial District and General Agriculture District. Land located west of the property is zoned General Agriculture District. The Adopted Northeast Area Neighborhood Future Land Use Plan indicates that this area may be appropriate for rural reserve, light industrial, and public land uses with alternate land uses of low density residential, light industrial and rural reserve. In addition, the Comprehensive Plan indicates that a portion of the property is located within the floodplain boundary of the Box Elder Creek Drainage Basin.

The City Council has adopted a short and long term annexation priority list and the property is identified as a long term priority. As such, the annexation of this property is appropriate and desired. In addition, in order to promote the orderly growth and development of Rapid City, the annexation of contiguous land is required before it is platted. A Preliminary Plat (File #08PL064) for three lots on the southeast portion of the property is currently pending at City Council with the stipulation that the property must be annexed prior to approval. Water and sewer service for the three lots will be extended from Readon Court located south of the property. Future development is proposed to extend water and sewer along Elk Vale Road and Dyess Avenue. The water reservoir proposed along Elk Vale Road will increase the water capacity to serve this area. The sewer lift station that will serve this property is located south of the property adjacent to Elk Vale Road.

The proposed annexation area is presently located in the North Elk Fire Protection District. Under SDCL 31-31A-35, a municipality is obligated to compensate 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 payment due to the North Elk Fire District being made 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.