

STAFF REPORT
May 6, 2010

No. 10AN002 - Petition for Annexation

ITEM 20

GENERAL INFORMATION:

APPLICANT/AGENT	Shawn Brinkman
PROPERTY OWNER	Kurt Garlick and Shawn Brinkman
REQUEST	No. 10AN002 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	Lots 3M, 3P, 3Q and 3R and 3L revised of Melody Acres Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.04 acres
LOCATION	South of S.D. Highway 44 and east of Valley Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	No Use District
South:	No Use District - Mobile Home Residential District (Planned Residential Development)
East:	No Use District
West:	Low Density Residential District - No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary Sewer
DATE OF APPLICATION	4/9/2010
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley 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 property contains approximately 8.04 acres and is located south of S.D. Highway 44 and east of Valley Drive. There are four parcels of land included in this annexation. Two parcels have residential structures located on the property, one parcel has a mobile home located on the property, and one parcel is undeveloped.

STAFF REPORT
May 6, 2010

No. 10AN002 - Petition for Annexation

ITEM 20

The Petition for Annexation includes four properties that were originally included in the involuntary annexation of the South Valley Drive area (#08AN011). The four properties were included in all the processes and advertisements for that annexation, but were inadvertently left off the final Resolution of Annexation for the South Valley Drive Annexation (#08AN011) that was effective June 4, 2009. The Annexation Committee met and directed staff to proceed with the annexation of the four properties to complete the City Council's original direction to annex this area. All four property owners were notified and asked to voluntarily annex into the City limits. Two property owners agreed to annex into the City limits and signed petitions of annexation. One property owner was undecided when first contacted and did not respond to the last request for voluntary annexation. One property owner has indicated that he does not wish to be included in this annexation. The two properties with the property owner's signed Petition of Annexation have 95% of the value of all the properties within the annexation area. There is one registered voter residing in the annexation area and that voter has signed a voluntary annexation petition. Based on Section 9-4-1 of the South Dakota Codified Law noted above, the voluntary annexation may proceed.

The property is zoned Suburban Residential District by Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north and east of the property is zoned No Use District. Land located west of the property is zoned Low Density Residential District and No Use District. Land located south of the property is zoned No Use District and Mobile Home Residential District with a Planned Residential Development. The Southeast Connector Neighborhood Area Future Land Use Plan identifies the property as appropriate for Low Density Residential land uses. Access to this property will be from Melody Lane and South Valley Drive, a minor arterial street on the City's Major Street Plan. The property is served by the Rapid Valley Sanitary District.

The proposed annexation area is presently located in the Rapid Valley Fire Protection District. Under SDCL 34-31A-35, a municipality is obligated to compensate 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 made 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.