

STAFF REPORT
October 23, 2014

No. 14AN004 - Petition for Annexation

ITEM 3

GENERAL INFORMATION:

APPLICANT	Countryside Homeowners Association
PROPERTY OWNER	Countryside Homeowners Association and Robert Paulson
REQUEST	No. 14AN004 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	All of Countryside Subdivision including Crossbill Circle, Kingbird Court, Meadowlark Drive, Pinon Jay Circle, Raven Circle, Raven Court, Sandpiper Drive, Tanager Court, Tanager Drive and Waxwing Lane Rights-Of-Way and all included and adjacent Rights-Of-Way located in Section 29, T1N, R7E, BHM, Pennington County, South Dakota; and a Tract of land situated immediately north of and adjacent to Sheridan Lake Drive, situated in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, with the west boundary thereof commencing at Sheridan Lake Road and proceeding north on the west boundary of said SW1/4 of the SE1/4 for a distance of 749 feet and then proceeding east on a line perpendicular to the west boundary of said SW1/4 of the SE1/4 for a distance of 1,000 feet and then proceeding due south for a distance of 319 feet to Sheridan Lake Drive and then proceeding west along the boundary of Sheridan Lake Drive to the point of beginning, and being a portion of Lot 2 of the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, shown on the plat filed in Plat Book 3, Page 197; excepting therefrom Lots H-1 and P-1 of said Lot 2 of the SW1/4 of the SE1/4 of said Section 29, shown on the plat filed in Highway Plat Book 6, Page 178, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 146.5 acres
LOCATION	North of Sheridan Lake Road between Muirfield Drive and Clarkson Road
EXISTING ZONING	Planned Unit Development (Pennington County) Suburban Residential District (Pennington County)
FUTURE LAND USE DESIGNATION	Low Density Neighborhood
SURROUNDING ZONING North:	Low Density Residential District 1 - General Agricultural

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	District
South:	Suburban Residential District (Pennington County) - General Agricultural District
East:	Planned Unit Development (Pennington County) - General Agricultural District
West:	Suburban Residential District - (Pennington County) - General Agricultural District
PUBLIC UTILITIES	Private
DATE OF APPLICATION	September 11, 2014
REVIEWED BY	Sarah Hanzel / Ted Johnson

RECOMMENDATION: Staff recommends approving the Petition for Annexation with the following stipulation:

1. The legal description be revised to eliminate all adjacent rights-of-way and permanent easements associated with Sheridan Lake Road.

GENERAL COMMENTS: On September 2, 2014 the City Council authorized the Mayor and Finance Officer to sign an agreement for a voluntary annexation and transfer of the water system from the Countryside Homeowners Association to the City of Rapid City. This agreement obligated the City to annex the property with the proper petition.

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 of a voluntary annexation.

Following annexation, property is placed into a No Use District. A companion item (14RZ010) to rezone property from No Use District to Low Density Residential 1 District has also been submitted.

STAFF REVIEW: The property contains approximately 160 acres (including right of way) and is located north of Sheridan Lake Road between Muirfield Drive and Clarkson Road. The proposed annexation area consists of the Countryside Subdivision and one additional parcel located adjacent to the subdivision.

Zoning: The property is currently zoned Planned Unit Development and Suburban Residential District in Pennington County. *Plan Rapid City* identifies the future land use of this area as Low Density Neighborhood (LDN). Primary uses in LDN are single family and two-family residences. Complementary uses in a planned neighborhood setting and conservation of wooded areas are encouraged. According to *Plan Rapid City*, appropriate zoning districts for LDN include Low Density Residential 1 District, Low Density Residential 2 District, and Mobile Home Residential District. As is consistent with the comprehensive plan and the annexation agreement, an application has been submitted to zone the property

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to Low Density Residential 1 District.

Access: The primary access to the property is provided by Sheridan Lake Road, a principal arterial located on the southern edge of the proposed annexation area. Sheridan Lake Road is maintained by Pennington County along this portion of the road for approximately 1.85 miles until it is included within the City limits. To eliminate City maintenance of a discontinuous street section, staff recommends revising the legal description to exclude Sheridan Lake Road right-of-way, until such time as the corporate limits extend along Sheridan Lake Road to this property.

Access through the neighborhood is provided by local streets. Neither the Major Street Plan nor the Bicycle and Pedestrian Master Plan are impacted by the proposed annexation.

Utilities: Connection and service to the City's water utilities will occur per the obligations of each party identified in the annexation agreement. Sewer services are not part of the annexation agreement.

Park Areas: Per the annexation agreement, the Association will maintain ownership of park areas and common areas. Following annexation and rezoning, the association will continue to use these properties as they have been traditionally used. If the type of use changes, or if the property is developed, the association must conform to all City requirements.

Solid Waste Services: Per the annexation agreement and Section 8.08.030 of the Rapid City Municipal Code, the petitioner will obtain Rapid City garbage service.

Wildland Fuels Mitigation Plan: The property is located within a Wildland Fire Hazard Area. A large portion of the area is covered in a relatively dense stand of pine trees on both private property and Association owned property. In an effort to promote public safety and reduce the risk to life and property, the Fire Department requests that the Countryside Subdivision develop a comprehensive wildland fuels mitigation plan to meet the provisions of the Rapid City Fire Department Survivable Space Initiative.

Building Services/Code Enforcement: Structures and infrastructure that were permitted in the County at the time of annexation but not developed to Rapid City Municipal Codes and standards will be considered legal non-conforming. At such time that future development occurs, property owners will be required to bring properties into compliance with all applicable regulations of the Low Density Residential 1 District including all applicable provisions for principal and accessory permitted uses, conditional uses, temporary uses, area regulations, height regulations, off street parking requirements, and flood fringe building district requirements. The property owners should be aware that Meadowlark Drive is also an existing road name in the City of Box Elder. If emergency response issues occur because of the duplicated road name, there may be a need to change the road name to ensure that emergency services are not interrupted.

Staff recommends that the Petition for Annexation be approved with the stipulation that the legal description be revised to eliminate all adjacent rights-of-way and permanent easements associated with Sheridan Lake Road.