

STAFF REPORT
January 8, 2015

No. 14AN005 - Petition for Annexation

ITEM 9

GENERAL INFORMATION:

APPLICANT	Aspen Ridge Lawn and Landscape, LLC
AGENT	David Muck - Ferber Engineering Co., Inc.
PROPERTY OWNER	Al Sutton, Trustees/ Sutton Living Trust
REQUEST	No. 14AN005 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	A portion of Lot 1 of the SE1/4SE1/4 of Section 29, including Lot A of Lot 1 of SE1/4SE1/4 and Excepting Therefrom, Croyle Avenue and Dunsmore Road; Lots H1 and P1 of Lot 1; Lot B of Lot 1; Colonial Pine Hills Sanitary District Well Lot; and, Lot 1 of Flannery Subdivision and Dedicated Right-of-Way all located in Section 29, T1N, R7E, Pennington County, South Dakota, T1N, R7E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as: Commencing from a found rebar with plastic cap marked "Fisk Eng 1771", monumenting the northwest corner of Lot B of Lot 1 of the SE1/4SE1/4 of Section 29, T1N, R7E, BHM; thence, N09°54'23"E, along the east right-of-way line of Croyle Avenue, a distance of 62.54 feet to a point, being the southwest corner of the proposed annexation area, and being the true point of beginning; thence, along the chord bearing of N01°45'19"E of a 783-foot radius curve to the left with Delta Angle of 13°32'18", said curve being the east right-of-way line of Croyle Avenue, a chord distance of 184.58 feet to the Point of Tangency; thence, N05°00'50"W along the east right-of-way line of Croyle Avenue, a distance of 87.36 feet to a point of deflection, being the northwest corner of the proposed annexation; thence, S89°35'18"E along the existing corporate limit line, a distance of 336.27 feet to a point of deflection, being the northeast corner of the proposed annexation; thence, S00°24'42"W along the east annexation line a distance of 271.50 feet to a point of deflection, being the southeast corner of the proposed annexation; thence, N89°35'18"W along the south annexation line a distance of 332.34 feet to the true point of beginning
PARCEL ACREAGE	Approximately 2.05 acres
LOCATION	South of Sheridan Lake Road between Croyle Avenue and Dunsmore Road

STAFF REPORT
January 8, 2015

No. 14AN005 - Petition for Annexation

ITEM 9

EXISTING ZONING	Highway Service (Pennington County) - Suburban Residential District (Pennington County)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	General Commercial District
South:	Suburban Residential District (Pennington County)
East:	Highway Service (Pennington County) - Suburban Residential District (Pennington County)
West:	Highway Service (Pennington County)
PUBLIC UTILITIES	Colonial Pine Hills Sanitary District Private septic
DATE OF APPLICATION	December 12, 2014
REVIEWED BY	Sarah Hanzel / Ted Johnson

RECOMMENDATION:

Staff recommends that the Petition for Annexation be approved.

GENERAL COMMENTS: The applicant has submitted a Petition for Annexation following a Preliminary Subdivision Plan application (14PL066) which was approved with stipulations by the Planning Commission on November 6, 2014. Section 16.040.090 of the Rapid City Municipal Code requires that property contiguous to Rapid City be annexed prior to platting.

The process for annexation by petition is provided for under Section 9-4-1 South Dakota Codified Law, which states that the City by resolution may annex a contiguous area if a 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 2.05 acres and is located at the southeast corner of Sheridan Lake Road and Croyle Avenue. The property is zoned Highway Services and Suburban Residential by Pennington County. Upon annexation it will be placed temporarily into the No Use District. The applicant has also submitted an application to rezone the property from No Use District to General Commercial District (14RZ012).

Land Use: The property was previously used as a restaurant and is being developed currently for use as a lawn care business. Existing structures on the property include a single family residence and four sheds. However, the applicant has indicated that the residential structure will be removed from the property. The area surrounding the proposed annexation area consists of a mixture of residential and commercial uses. The Future Land

STAFF REPORT
January 8, 2015

No. 14AN005 - Petition for Annexation

ITEM 9

Use Designation for this property is Urban Neighborhood. Urban Neighborhoods are intended to create opportunities for a mix of housing types and densities while promoting retail and service businesses that serve the surrounding neighborhood.

Zoning: Land located north of the proposed annexation area is zoned General Commercial District. Land to the south is zoned Suburban Residential in Pennington County. Land to the east is zoned Highway Service and Suburban Residential in Pennington County. Land to the west is zoned Highway Service in Pennington County.

Utilities: The property is currently served by the Colonial Pine Hills Water District. Private on-site wastewater systems currently serve the existing development located on the property. City sewer is located approximately 220 feet to the east of the proposed Lot 1 within the Sheridan Lake Road right-of-way. The applicant was granted exceptions to waive the requirements to extend City water and to extend the City sanitary sewer main (14EX187, 14EX188). However, the applicant has executed a Waiver of Right to Protest ensuring that the connections to City services will occur once the utilities are extended to the property.

Access: Access to the property along the northern lot line of the proposed Lot 1 associated with 14PL066 is from Sheridan Lake Road, a principle arterial street on Rapid City's Major Street Plan. Access to the property along the western lot line of the proposed Lot 1 is from Croyle Avenue, a local street on Rapid City's Major Street Plan. Additionally, there appears to be a gravel driveway off of Sheridan Lake Road providing access to Lot A in the proposed annexation area. The applicant was granted exceptions to provide road improvements on Sheridan Lake Road and Croyle Avenue (14EX185, 14EX186).

Urban Services: If the annexation is approved all City fire services would be provided to the area including: fire suppression, fire prevention services, hazardous materials response and mitigation, rescue functions, and emergency medical service. The Rapid City Fire Department will continue to work with the property owners as the property uses evolve to address any applicable fire code issues. After annexation criminal investigation and traffic enforcement will become the responsibility of the City of Rapid City Police Department.

Staff recommends that the petition for annexation be approved.