



Rapid City Planning Commission

De-Annexation Project Report

June 4, 2020

Applicant Request(s)	Item #2
Case # 20AN002: Petition for De-Annexation	
Companion Case(s) #: N/A	

Development Review Team Recommendation(s)
The Development Review Team recommends approving the de-annexation request.

Project Summary Brief

The applicant requests to de-annex 1.35 acres of un-platted property from the Rapid City corporate limits. The property is located northeast of East S.D. Highway 44 and Jolly Lane. The property is zoned General Commercial and is void of structural development. This land is the portion of the Black Hills Speedway that is inside of the City limits. The remainder of the Black Hill Speedway property, approximately 34 acres, is unincorporated in Pennington County. The 1.35 acre portion was annexed in 2011 when a proposal for commercial development was under consideration. A preliminary plat was submitted; however, the property never reached the final plat stage. The proposal for commercial development eventually fell through, but the 1.35 acres had already annexed into the City. This is the only known property where one parcel of land has two separate taxing ID's, one for the City and one for the County. The double jurisdiction on one property creates operation and administration issues for the property owners, the City, and the County. This property is within the Rapid Valley Sanitary District and is not served by any City utilities. There are no City-maintained transportation facilities that serve this property directly. If the property is platted in the future, it will be required to annex into the City limits at that time since it is adjacent to the City limits.

Applicant Information	Development Review Team Contacts
Applicant: Cross Country Real Estate LLC	Planner: Sarah Hanzel
Property Owner: Same	Engineer: Dan Kools
Architect: N/A	Fire District: Jerome Harvey
Engineer: N/A	School District:
Surveyor: N/A	Water/Sewer:
Other: N/A	DOT: Stacy Bartlett

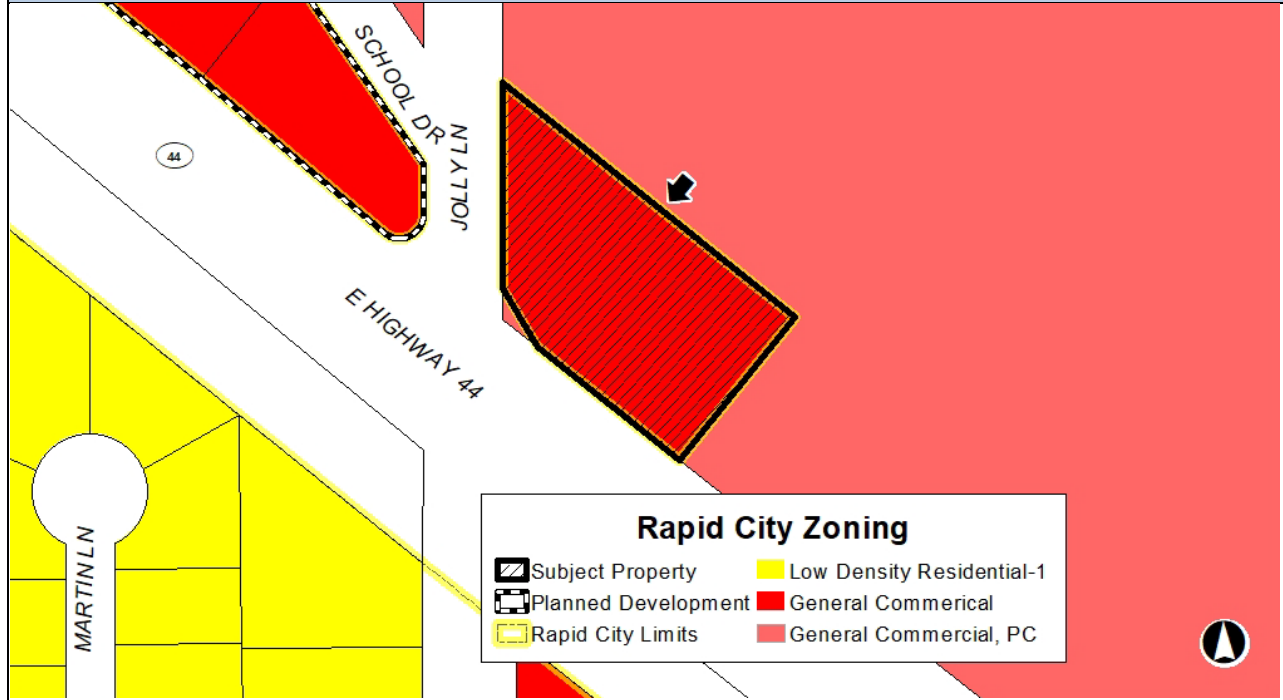
Subject Property Information	
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Address/Location	Northeast of East S.D. Highway 44 and Jolly Lane
Neighborhood	Elk Vale Road
Subdivision	N/A
Land Area	1.35 acres
Existing Buildings	None
Topography	Relatively flat, slightly sloping northern portion
Access	Jolly Lane
Water Provider	Rapid Valley Sanitary District
Sewer Provider	Rapid Valley Sanitary District
Electric/Gas Provider	West River Electric Association
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	LDN	Void of Structural Development/BH Speedway
Adjacent North	GC-PC	LDN	Black Hills Speedway
Adjacent South	GC	LDN	Commercial Greenhouse
Adjacent East	GC-PC	LDN	BH Speedway
Adjacent West	GC	LDN	Commercial Fuel Station

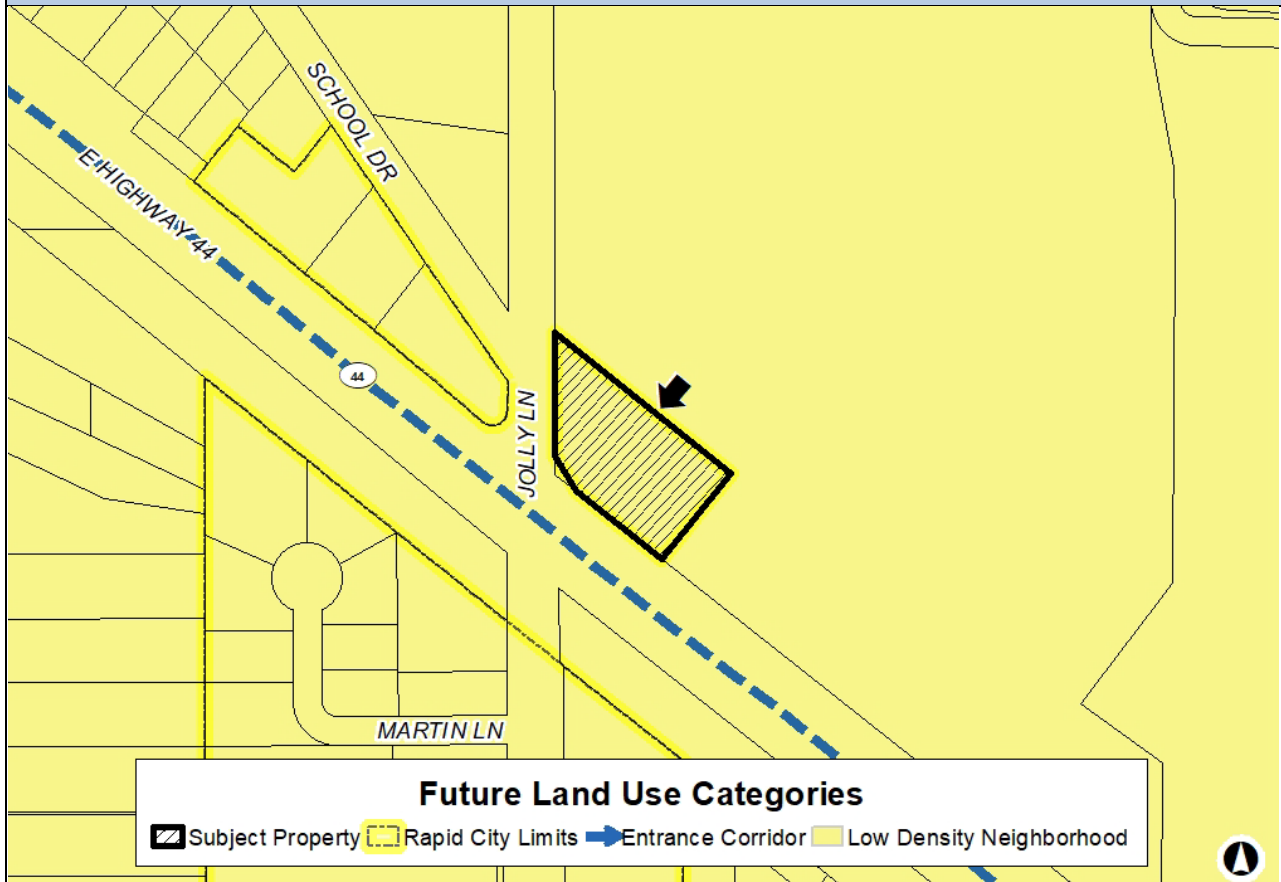
Zoning Map



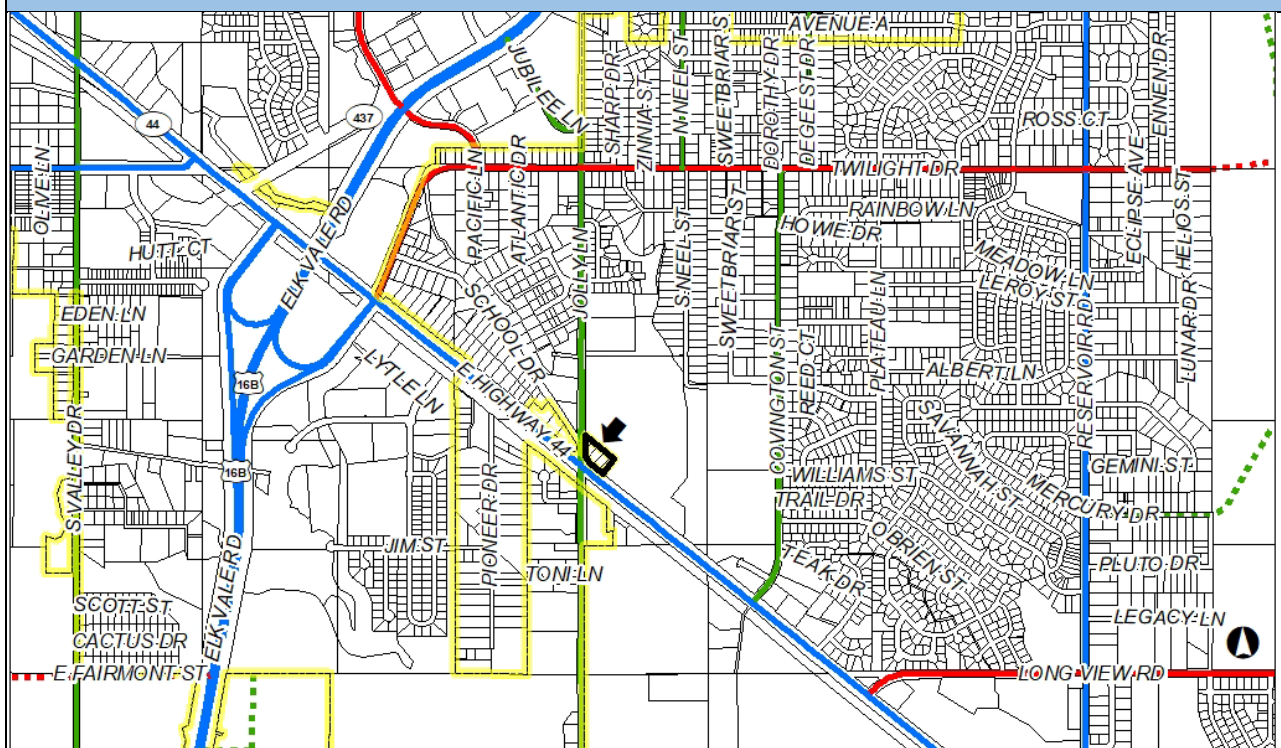
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
11AN001	09/30/2011	Resolution of Annexation	Approved
Planning Commission Criteria and Findings for Approval or Denial			
Pursuant to Resolution #2014 – 090 “Resolution Adopting a Policy Regarding De-Annexation” the Planning Commission shall consider the following criteria for a request to De-Annex:			
Criteria		Findings	
1. The subject property is located outside the Urban Services Boundary established by <u>Plan Rapid City, April 2014</u> or subsequent updates;		The subject property is located within the urban services boundary.	
2. The City has not expended significant funds to benefit property by bringing utilities to the subject property, addressing drainage on the subject property, or other improvements to benefit the subject property;		Significant funds have not been expended extending services to specifically benefit this property. This property is located within the Rapid Valley Sanitary District, regardless of whether it is within City limits.	
3. The subject property is located outside any “doughnut hole” the common council has identified within its annexations priorities to close;		De-annexation of this property would not create or enlarge a jurisdictional “doughnut hole.”	
4. The subject property is located at least 500 feet from any municipal utility service;		Rapid City sewer and water lines are located adjacent to this property in the East S.D. Highway 44 corridor toward the Rapid City airport. These lines are not used by the property.	
5. The subject property is located at least 500 feet from any municipally maintained transportation facility;		This property is located within 500 feet of municipally maintained transportation facilities; however, none that are directly providing access to this property. Jolly Lane north of East S.D. Highway 44 is not located within City limits.	
6. The subject property is located within 500 feet of platted property;		This property is adjacent to platted commercial property on the northwest and south sides of the subject property. This adjacent platted property is located within the Rapid City limits. As such, if the subject property is de-annexed, future platting of the property would require annexation.	
7. The subject property is located outside of the focused growth areas as identified in <u>Plan Rapid City</u> ;		This property is located on East S.D. Highway 44, an entrance corridor in the City’s Comprehensive Plan. However, this property functions as part of the Black Hills Speedway. With the property’s current use, it is not advantageous for this property to be within City limits. If the property is platted and redeveloped in the future, annexation would be required at the time of platting.	
8. The subject property is located outside any active tax increment financing district boundary;		This property is not located within an active Tax Increment Financing District.	
9. The exclusion of the subject property creates an irregular boundary creating difficulty for the City of Rapid City to administer services;		The exclusion does not create an irregular boundary. In fact, removal of this property from the City will correct the irregularity caused by the subject un-platted property being located partially within both City and County jurisdictions.	

10. The subject property is located outside an area where there is a tendency for imminent growth of the City;	Growth along this corridor is expected in the future; however, if the property is platted it will be required to annex into the City first.
11. The subject property is located at least 500 feet from any project identified within the Rapid City 5-year Capital Improvements Program;	There is a CIP maintenance project scheduled to replace water main valves to the airport; however, this project does not impact the subject property.
12. The exclusion of the subject property creates portions of the remaining corporate limits to be dis-contiguous;	Exclusion of this property does not create portions of the remaining corporate limits to be discontinuous.
13. The subject property does not include residences for any person(s) who utilize City services;	There are no residences developed on this property.
14. The subject property is primarily agricultural in character or used for agricultural purposes only.	The property functions as part of the Black Hills Speedway property under a commercial zoning designation. While not agricultural in nature, this non-agricultural use is not conducive for being within the City's jurisdiction.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	A Balanced Pattern of Growth
<i>BPG-1.1C: Annexation Criteria</i>	<i>“Coordinate with counties and adjacent jurisdictions to develop and follow criteria and procedures for the annexation of contiguous land within the 3-mile platting jurisdictions.”</i>
	A Vibrant, Livable Community
N/A	N/A
	A Safe, Healthy, Inclusive, and Skilled Community
N/A	N/A
	Efficient Transportation and Infrastructure Systems
N/A	N/A
	Economic Stability and Growth
N/A	N/A
	Outstanding Recreational and Cultural Opportunities
N/A	N/A
	Responsive, Accessible, and Effective Governance
N/A	N/A

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	LDN
Design Standards: N/A	

N/A	Design components are not reviewed with a petition for de-annexation.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Elk Vale Road Neighborhood Area
Neighborhood Goal/Policy:	
<i>EV-NA1.11: Interjurisdictional coordination</i>	“Coordinate planning and development review activities in this area with Box Elder, Rapid Valley Residents, and Pennington County.”

The Development Review Team Recommends approving the Petition for De-Annexation for the following reasons:	
	<ul style="list-style-type: none"> This property is un-platted and located within both the Rapid City and Pennington County jurisdictions. This unusual circumstance creates issues for both the property owner and government administrations related to operations, permitting, and taxation.
	<ul style="list-style-type: none"> A review of Rapid City’s de-annexation policy and the current conditions of the property and its surrounding context has not yielded any compelling reasons why the property should remain within the Rapid City corporate limits. Since the property remains adjacent to the City limits, future redevelopment which involves platting will require the property to annex into the City at that time.

Staff recommends approving the de-annexation petition.