



Rapid City Planning Commission

De-Annexation Project Report

August 10, 2017

Applicant Request(s)	Item #9
Case # 17AN005: Petition for De-Annexation	
Companion Case(s) #: N/A	

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

Project Summary Brief
<p>The applicants request to de-annex 19.5 acres of land from the Rapid City corporate limits. The property is located north of the I-190 interchange and west of Haines Avenue. Access to the property is from Mount Carmel Street, which is maintained by the City's Street Department. The subject property is comprised of eleven acres of unplatted property and 8.5 acres of property that is platted into twelve lots. The eleven acre parcel is developed with a single family home. The 8.5 acre parcel is void of structural development. The property is located within the City's Urban Service Boundary and zoned Park Forest District. Though no utilities serve the property today, the area is planned to be served by Rapid City sewer and water in the future. The property was voluntarily annexed in 1984. In 2014, the City adopted Resolution 2014-090 identifying a policy on de-annexation. Of the 14 criteria to consider, there are 7 criteria that are in conflict with this de-annexation request. The Letter of Intent submitted with the application states that eliminating the stormwater run-off fee and reducing taxes are the primary factor in requesting the de-annexation.</p>

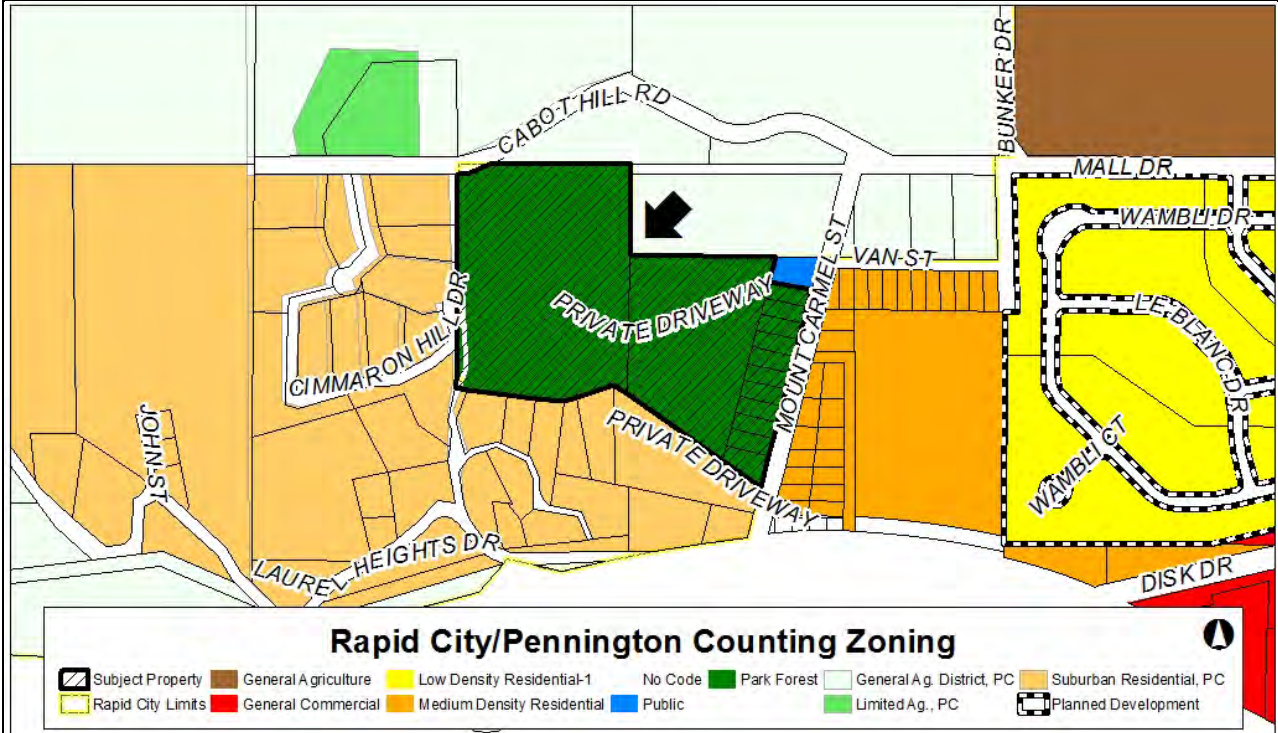
Applicant Information	Development Review Team Contacts
Applicant: James and Wilma Theis	Planner: Sarah Hanzel
Property Owner: Same	Engineer: Nicole Lecy
Architect: N/A	Fire District: Jerome Harvey
Engineer: N/A	School District: Janet Kaiser
Surveyor: N/A	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	North of I-90; west of Haines Avenue
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Oldfield Subdivision
Land Area	19.5 acres
Existing Buildings	Single family residence
Topography	Fairly steep slopes
Access	Disk Drive to Mount Carmel Street
Water Provider	Located within City's Urban Service Boundary; not served by City water presently
Sewer Provider	Located within City's Urban Service Boundary; not served by City water presently
Electric/Gas Provider	Black Hills Power
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	PF	FC	Rural Residential & Platted
Adjacent North	GA-PC	LDN	Rural Residential
Adjacent South	SR-PC	FC	Rural Residential
Adjacent East	MDR	UN	Medium Density Residential
Adjacent West	SR-PC	FC	Rural Residential

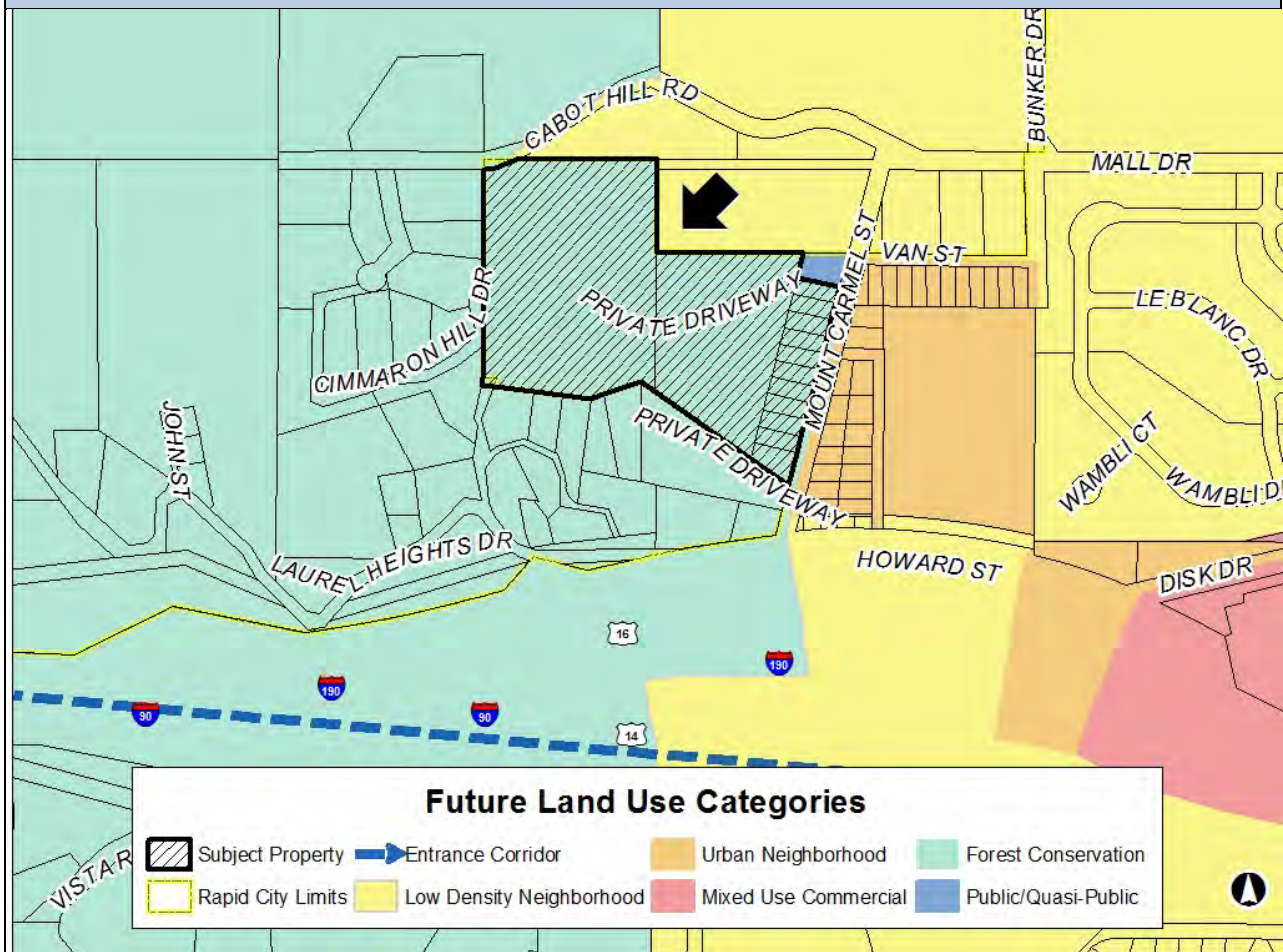
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use















Parks or Transportation Plan





Major Street Plan



			Relevant Case History	
Case/File#	Date	Request		Action
Annexation File #377	10/1/1984	Resolution of Intent to Annex & Resolution of Annexation		Approved
Planning Commission Criteria and Findings for Approval or Denial				
<p>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. A red check mark shows where this application conflicts directly with the de-annexation policy. Other findings may indirectly conflict with the policy.</p>				Conflicts with Policy
Criteria		Findings		
1. The subject property is located outside the Urban Services Boundary established by <i>Plan Rapid City, April 2014</i> or subsequent updates;		The Urban Services Boundary is an area defined in the Comprehensive Plan showing where the City will focus delivery of utility services. This property is located within the Urban Services Boundary. The extension of these services are development driven and would occur at the cost of the developer/home owner who desires utilities to extend to their property.		
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;		The property is not currently served by City utilities or City investment directly on the private property. However, since this area has been within the City limits for over 30 years it has been considered in utility master plans, drainage basin design plans, and other long range plans.		
3. The subject property is located outside any “doughnut hole” the common council has identified within its annexations priorities to close;		The property is not located within a “doughnut hole,” however; the surrounding Cabot Hill area is identified as a long term annexation area priority in the City’s 2010 annexation policy.		
4. The subject property is located at least 500 feet from any municipal utility service;		The nearest public water main is approximately 3,400’ north of the property within the Springsteen Lane right-of-way. The nearest public sewer main is approximately 1,350’ to the southeast of the property within Disk Drive/Howard Street right-of-way.		
5. The subject property is located at least 500 feet from any municipally maintained transportation facility;		Mount Carmel Street forms the eastern boundary of the property and provides direct access to the subject property. Mount Carmel is maintained by the City Streets Department.		
6. The subject property is located within 500 feet of platted property;		This property is platted and surrounded by other platted property on all sides.		
7. The subject property is located outside of the focused growth areas as identified in <i>Plan Rapid City</i> ;		This property is not located within an activity center or revitalization corridor. Topography in this area is generally not conducive for dense development.		
8. The subject property is located outside any active tax increment financing district boundary;		This property is not located within a 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;	Exclusion of this property does not create an irregular boundary; however, it prevents platted property to the west of this within the City's Urban Services Boundary from voluntarily annexing in the future.	
10. The subject property is located outside an area where there is a tendency for imminent growth of the City;	The comprehensive plan identifies the Deadwood Avenue Neighborhood Area as one of the fastest growing areas in the community. Though the north-south ridgeline crossing area presents challenges to development and infrastructure, the entire area is within the Urban Services Boundary.	
11. The subject property is located at least 500 feet from any project identified within the Rapid City 5-year Capital Improvements Program;	There are no CIP projects planned within 500 feet of the subject property.	
12. The exclusion of the subject property creates portions of the remaining corporate limits to be dis-contiguous;	The exclusion of this property does not create portions of the remaining corporate limits to be dis-contiguous.	
13. The subject property does not include residences for any person(s) who utilize City services;	The applicant resides on the subject property and utilizes City services.	
14. The subject property is primarily agricultural in character or used for agricultural purposes only.	The property is developed with single family residential structures and is not used for agricultural purposes only.	
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.” Given the location and characteristics of the subject property, de-annexation is not supported by the Rapid City Comprehensive Plan</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	
TI-1		
	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.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Deadwood Avenue Neighborhood Area
Neighborhood Goal/Policy:	
<i>DA-NA1.1K: Urban Services</i>	<i>“Allow the extension of City infrastructure within the Urban Services Boundary to serve new and existing development.”</i>
<i>DA-NA1.1I: Natural Features</i>	<i>“Support and encourage the conservation of natural features in this area, including floodplains, forested areas, and hillsides.</i>

The Development Review Team Recommends denying the Petition for De-Annexation for the following reasons:	
	Seven of the fourteen de-annexation policy criteria are in conflict with the de-annexation policy. The following conditions do not support that this property be removed from the corporate limits.
	<ul style="list-style-type: none"> This property is located within the City Urban Services Boundary and can be served by City infrastructure.
	<ul style="list-style-type: none"> Since this property is already platted, it could be developed to County standards without being required to annex if removed from the corporate limits.
	<ul style="list-style-type: none"> De-annexation of this platted property would prevent platted property to the west from voluntarily annexing in the future.
	<ul style="list-style-type: none"> The subject property is not used primarily for agricultural purposes and should be under City zoning powers and authorities.
	<ul style="list-style-type: none"> There are residents of the subject property who utilize City services, including a City maintained Street to access their property.

Staff recommends denying the request for de-annexation.