Applicant Request(s)

Case #20VR001 – Vacation of Section Line Highway
Companion Case(s) N/A

Development Review Team Recommendation(s)

The Development Review Team recommends approval of the Vacation of Section Line Highway Right-of-Way.

Project Summary Brief

The applicant has submitted an application to vacate a portion of the section line highway right-of-way adjacent to Heidway Lane. The proposed portion of section line highway right-of-way to be vacated is located west of the intersection of Heidway Lane and Heidway Court and is intended to increase the buildable footprint for a future single-family residence on the proposed lot. City staff has indicated that the proposed vacation of section line highway right-of-way will not adversely impact access to the proposed lot or the quality of public services to the surrounding neighborhood.

Applicant Information

<table>
<thead>
<tr>
<th>Applicant: Keiz Larson</th>
<th>Planner: John Green</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner: Nancy Dunham</td>
<td>Engineer: Todd Peckosh</td>
</tr>
<tr>
<td>Architect: N/A</td>
<td>Fire District: Tim Behlings</td>
</tr>
<tr>
<td>Engineer: Fisk Land Surveying</td>
<td>School District: N/A</td>
</tr>
<tr>
<td>Surveyor: Fisk Land Surveying</td>
<td>Water/Sewer: Todd Peckosh</td>
</tr>
<tr>
<td>Other: N/A</td>
<td>DOT: Stacy Bartlett</td>
</tr>
</tbody>
</table>

Subject Property Information

<table>
<thead>
<tr>
<th>Address/Location</th>
<th>Intersection of Heidway Court and Heidway Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood</td>
<td>Sheridan Lake Road Neighborhood Area</td>
</tr>
<tr>
<td>Subdivision</td>
<td>Proposed Dunham Estates Subdivision</td>
</tr>
<tr>
<td>Land Area</td>
<td>0.70 acres or 30,492 square feet</td>
</tr>
<tr>
<td>Existing Buildings</td>
<td>Void of Structural development</td>
</tr>
<tr>
<td>Topography</td>
<td>Rises in elevation from east to west approximately 28 feet</td>
</tr>
<tr>
<td>Access</td>
<td>Heidway Lane</td>
</tr>
<tr>
<td>Water Provider</td>
<td>Rapid City</td>
</tr>
<tr>
<td>Sewer Provider</td>
<td>Rapid City</td>
</tr>
<tr>
<td>Electric/Gas Provider</td>
<td>Black Hills Power / MDU</td>
</tr>
<tr>
<td>Floodplain</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Subject Property and Adjacent Property Designations

<table>
<thead>
<tr>
<th></th>
<th>Existing Zoning</th>
<th>Comprehensive Plan</th>
<th>Existing Land Use(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>GA</td>
<td>LDN</td>
<td>Vacant</td>
</tr>
<tr>
<td>Adjacent North</td>
<td>GA</td>
<td>LDN</td>
<td>Vacant</td>
</tr>
<tr>
<td>Adjacent South</td>
<td>LDR</td>
<td>LDN</td>
<td>Single-family Residence</td>
</tr>
<tr>
<td>Adjacent East</td>
<td>LDR</td>
<td>LDN</td>
<td>Single-family Residence</td>
</tr>
<tr>
<td>Adjacent West</td>
<td>LDR</td>
<td>LDN</td>
<td>Single-family Residence</td>
</tr>
</tbody>
</table>

### Zoning Map

**Rapid City Zoning**
- Subject Property
- General Agricultural
- Low Density Residential-1

### Existing Land Uses
### Relevant Case History

<table>
<thead>
<tr>
<th>Case/File#</th>
<th>Date</th>
<th>Request</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>19PL089</td>
<td>10/10/19</td>
<td>Preliminary Subdivision Plan</td>
<td>PC approved 11/7/19&lt;br&gt;CC approved 11/18/19</td>
</tr>
<tr>
<td>19RZ043</td>
<td>11/27/19</td>
<td>Rezone from General Agricultural District to Low Density Residential District</td>
<td>PC approved 1/9/20&lt;br&gt;Pending City Council approval</td>
</tr>
</tbody>
</table>

### Relevant Zoning District Regulations

<table>
<thead>
<tr>
<th>Low Density Residential</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Building Heights</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Building Setback:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Front</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>• Rear</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>• Side</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>• Street Side</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Landscape Requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• # of landscape points</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>• # of landscape islands</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Parking Requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• # of parking spaces</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>• # of ADA spaces</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Signage</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Fencing</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 16.08.120.E of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to Vacate Right-of-Way:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The vacation serves the interest of the City by removing maintenance or liability risks.</td>
<td>The applicant is proposing to vacate a 33-foot wide portion of section line highway right-of-way on adjacent to Heidiway Court. The proposed vacation will increase the buildable footprint for the proposed single-family residence on the lot and does not appear to cause any adverse impacts to the adjacent property owners. All utility companies within the immediate vicinity of the proposed vacation have concurred that there are no utilities in the area that will be impacted by the proposed vacation.</td>
</tr>
<tr>
<td>2. The property interest being vacated is no longer necessary for City operations.</td>
<td>Both Heidiway Lane and Heidiway Court are located within the 66-foot section line highway right-of-way to the north and south of the proposed area of vacation. Public Works staff has indicated that the Section Line right-of-way is no longer necessary for City operations.</td>
</tr>
<tr>
<td>3. The land to be vacated is no longer necessary for the public use and convenience.</td>
<td>The proposed vacation does not appear to cause any access or convenience issues. The property can retain access from Heidiway Lane, which is adjacent to the Section Line Highway.</td>
</tr>
<tr>
<td>4. The vacation will not create any landlocked properties.</td>
<td>The proposed Vacation of Right-of-Way will not create any landlocked properties.</td>
</tr>
<tr>
<td>5. The vacation will not render access to any parcel unreasonable.</td>
<td>The proposed Vacation of Right-of-Way will not render access to any parcel unreasonable. The subject property and adjacent properties are all accessed via Heidiway Lane or Heidiway Court.</td>
</tr>
</tbody>
</table>
6. The vacation will not reduce the quality of public services to any parcel of land.

<table>
<thead>
<tr>
<th>Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>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:</td>
</tr>
</tbody>
</table>

### Comprehensive Plan Conformance – Core Values Chapters

<table>
<thead>
<tr>
<th>Core Value</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Balanced Pattern of Growth</td>
<td>N/A</td>
</tr>
<tr>
<td>A Vibrant, Livable Community</td>
<td>N/A</td>
</tr>
<tr>
<td>A Safe, Healthy, Inclusive, and Skilled Community</td>
<td>N/A</td>
</tr>
<tr>
<td>Efficient Transportation and Infrastructure Systems</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### Major Street Plan Integration:
The vacation of the section line highway right-of-way will not impact the access or availability of services to the subject property or surrounding neighborhood due to sufficient right-of-way being maintained in both Heidiway Lane and Heidiway Court.

### Comprehensive Plan Conformance – Growth and Reinvestment Chapter

<table>
<thead>
<tr>
<th>Future Land Use Plan Designation(s): Low Density Neighborhood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Standards:</td>
</tr>
<tr>
<td>N/A The proposed vacation of section line highway right-of-way will not adversely impact access or quality of public services for the subject property or surrounding neighborhood due to sufficient right-of-way being maintained in both Heidiway Lane and Heidiway Court.</td>
</tr>
</tbody>
</table>

#### Public Input Opportunities:
The requested vacation of section line highway right-of-way application is before the Planning Commission for review and approval and will go before the City Council for review and approval. The public has an opportunity to provide input at these meetings. Notice of this request is also posted in the local newspaper pursuant to requirements set forth by the Rapid City Municipal Code. All adjacent property owners have signed the Vacation petition.
<table>
<thead>
<tr>
<th>Neighborhood: Sheridan Lake Road Neighborhood Area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Neighborhood Goal/Policy:</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>The subject property is accessed via Heidiway Lane and the proposed vacation of section line highway right-of-way will not restrict access to the lot.</td>
</tr>
</tbody>
</table>

**Findings**

Staff has reviewed the Vacation of Section Line Highway Right-of-Way request pursuant to Chapter 16.08.120.E of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The applicant is proposing to vacate a 33-foot wide portion of the section line highway right-of-way adjacent to the intersection of Heidiway Lane and Heidiway Court. Public Works staff has indicated that the proposed vacation will not adversely impact access to the lot or reduce the quality of public services in the surrounding neighborhood. Additionally, all impacted utility companies have indicated their concurrence with the request. As such, staff recommends approval of the vacation request.

**Planning Commission Recommendation and Stipulations of Approval**

Staff recommends approval of the Vacation of Section Line Highway Right-of-Way.