



# Rapid City Planning Commission

## Vacation of Right-of-Way Project Report

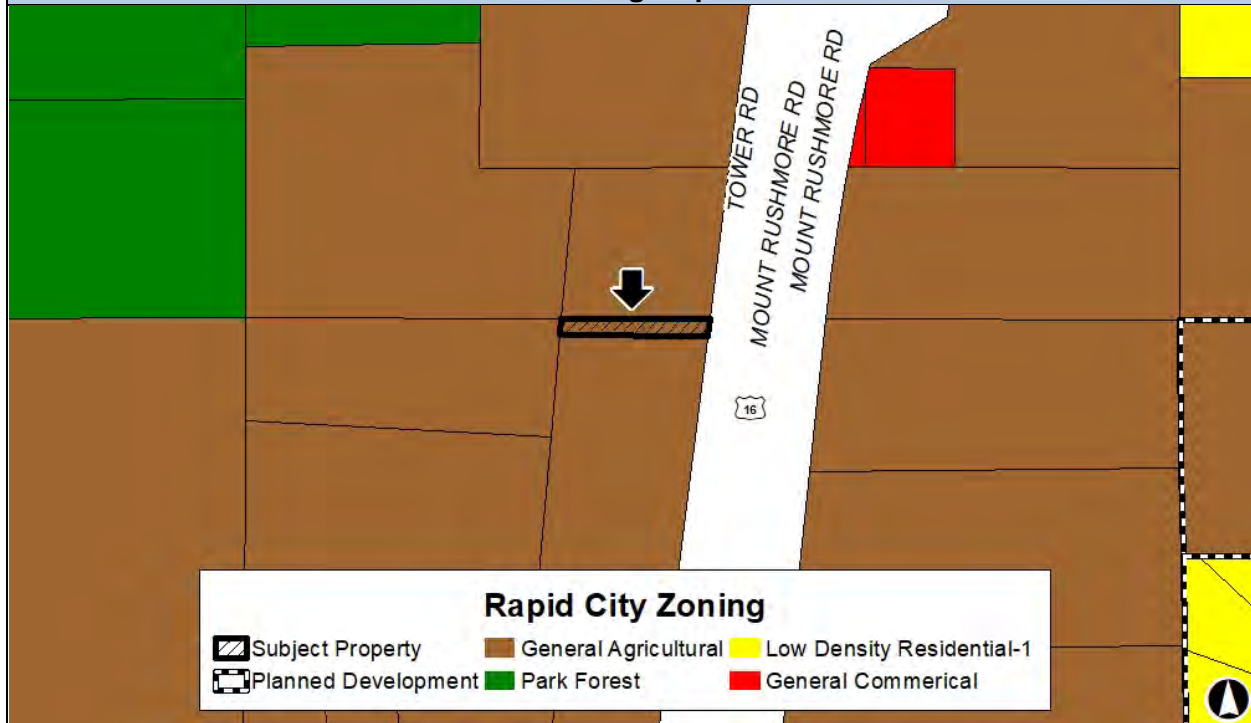
### February 20, 2020

<b>Item #5</b>	
<b>Applicant Request(s)</b>	
Case #20VR003 – Vacation of Section Line Highway	
Companion Case(s) N/A	
<b>Development Review Team Recommendation(s)</b>	
The Development Review Team recommends approval of the Vacation of Section Line Highway Right-of-Way.	
<b>Project Summary Brief</b>	
<p>The applicant has submitted an application to vacate a portion of the section line highway right-of-way on the property located at 4601 Mount Rushmore Road. The proposed portion of section line highway right-of-way to be vacated transects the subject property from west to east and is intended to increase the buildable footprint for a future expansion onto Calvary Baptist Church. City staff has indicated that the proposed vacation of section line highway right-of-way will not adversely impact access to the proposed lot, adjacent properties, or impact the quality of public services to the surrounding neighborhood.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Calvary Baptist Church	Planner: John Green
Property Owner: Calvary Baptist Church	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: Fisk Land Surveying	School District: N/A
Surveyor: Fisk Land Surveying	Water/Sewer: Todd Peckosh
Other: N/A	DOT: Stacy Bartlett
<b>Subject Property Information</b>	
Address/Location	4601 Mount Rushmore Road
Neighborhood	U.S. Highway 16 Neighborhood Area
Subdivision	Skyline Subdivision #2
Land Area	11.3 acres or 492,228 square feet
Existing Buildings	Existing 23,778 square-foot church
Topography	Relatively level
Access	Tower Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GA	EC	Calvary Baptist Church
Adjacent North	GA	P/QP	Cemetery
Adjacent South	GC	EC	First Assembly of God Church
Adjacent East	GA	EC	Zion Lutheran Church
Adjacent West	GA	LDN	Single-family Residence

**Zoning Map**

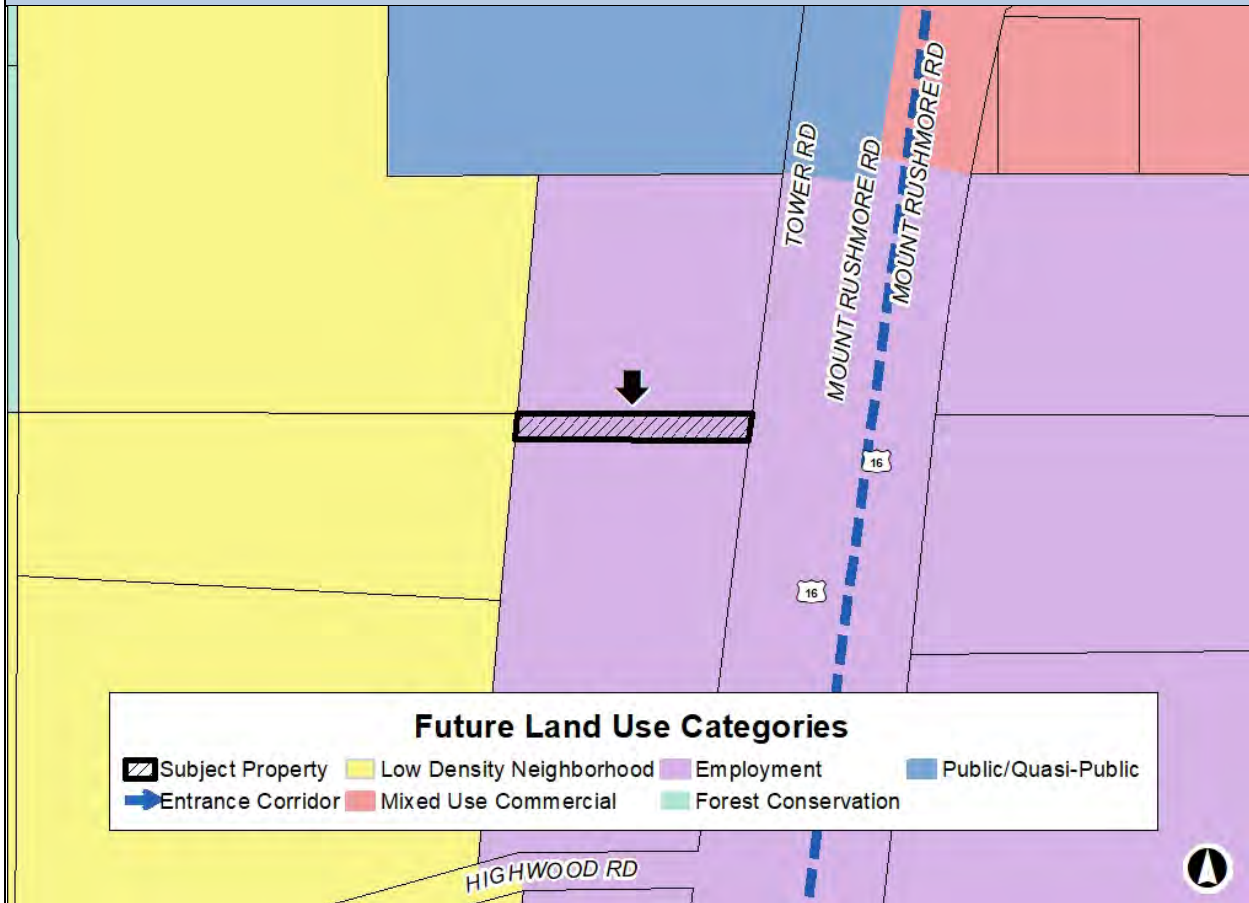


**Existing Land Uses**





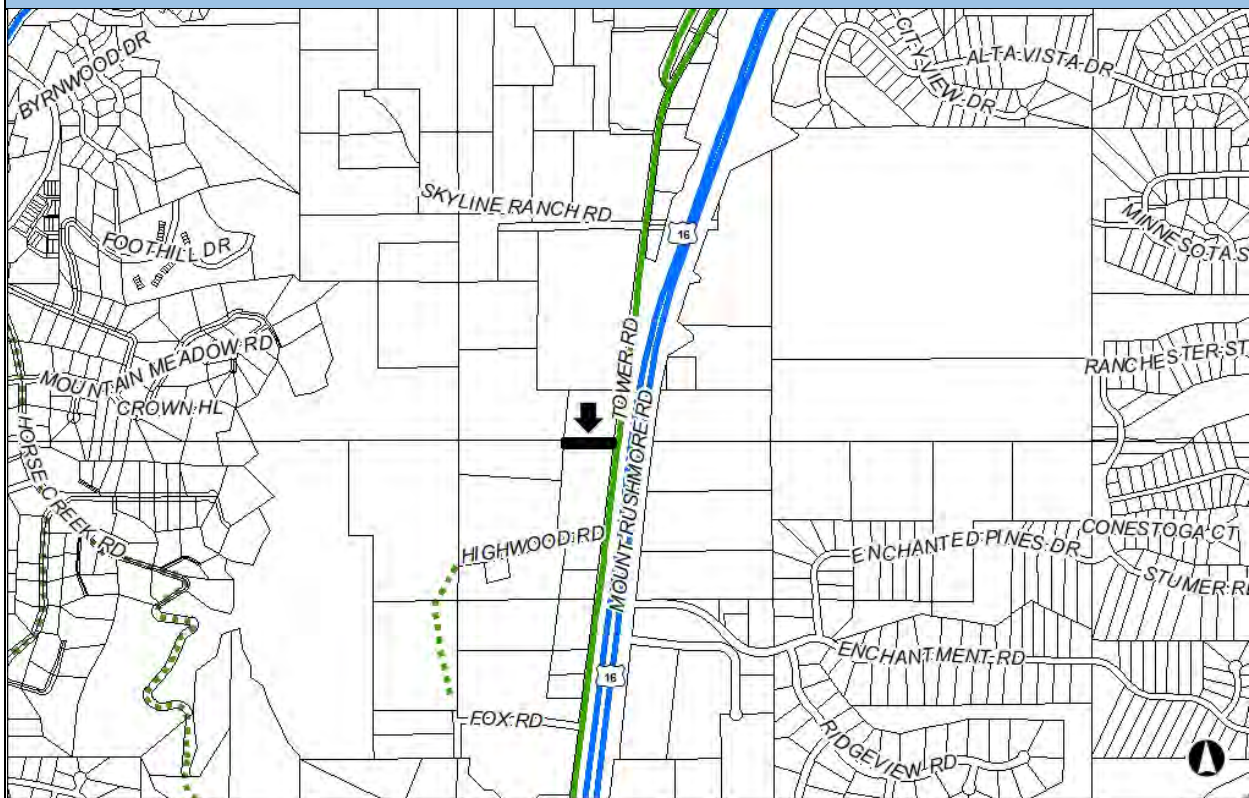
## Comprehensive Plan Future Land Use



### Future Land Use Categories

- Subject Property
- Low Density Neighborhood
- Employment
- Public/Quasi-Public
- Entrance Corridor
- Mixed Use Commercial
- Forest Conservation

## Parks or Transportation Plan



### Major Street Plan

- Subject Property
- Collector
- Principal arterial
- Proposed collector

<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
N/A	N/A	N/A	N/A
<b>Relevant Zoning District Regulations</b>			
<b>General Agricultural District</b>	<b>Required</b>	<b>Proposed</b>	
Lot Area	N/A	N/A	
Lot Frontage	N/A	N/A	
Maximum Building Heights	N/A	N/A	
Maximum Density	N/A	N/A	
Minimum Building Setback:			
• Front	N/A	N/A	
• Rear	N/A	N/A	
• Side	N/A	N/A	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	N/A	N/A	
• # of ADA spaces	N/A	N/A	
Signage	N/A	N/A	
Fencing	N/A	N/A	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>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:</b>	
<b>Criteria</b>	<b>Findings</b>
1. The vacation serves the interest of the City by removing maintenance or liability risks.	The applicant is proposing to vacate a 66-foot wide portion of section line highway right-of-way that transects the center of the subject property from west to east. The proposed vacation will increase the buildable footprint for the proposed expansion of the existing church 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.
2. The property interest being vacated is no longer necessary for City operations.	Public Works staff has indicated that the Section Line right-of-way is no longer necessary for City operations. Additionally, an existing recorded Access Easement on the northern portion of the property secures legal access to the lot west of the subject property.
3. The land to be vacated is no longer necessary for the public use and convenience.	The proposed vacation does not appear to cause any access or convenience issues. The property can retain access from Tower Road, which will not be impacted by the proposed vacation.
4. The vacation will not create any landlocked properties.	The proposed Vacation of Section Line Right-of-Way will not create any landlocked properties. An existing Access Easement provides legal access to the lot west of the subject property.
5. The vacation will not render access to any parcel unreasonable.	The proposed Vacation of Section Line Right-of-Way will not render access to any parcel unreasonable. The subject property is accessed via Tower Road, while the adjacent

	property to the west is accessed via an existing Access Easement.
6. The vacation will not reduce the quality of public services to any parcel of land.	The proposed Vacation of Section Line Highway Right-of-Way will not impact the adjacent City right-of-way and does not appear to impact the quality of public services to the subject property or surrounding neighborhood.

**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**

	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> 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 access being maintained via Tower Road and the existing Access Easement on the north side of the property.
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> 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.

**Comprehensive Plan Conformance – Growth and Reinvestment Chapter**

<b>Future Land Use Plan Designation(s):</b>	<b>Employment Center</b>
<b>Design Standards:</b>	
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 access being provided via Tower Road and the Access Easement on the north side of the property.
<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>U.S. Highway 16 Neighborhood Area</b>
<b>Neighborhood Goal/Policy:</b>	
N/A	The subject property is accessed via Tower Road and the proposed vacation of section line highway right-of-way will not restrict access to the lot or adjacent properties.
<b>Findings</b>	
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 66-foot wide portion of the section line highway right-of-way that transects the center of the lot from west to east. 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.	
<b>Planning Commission Recommendation and Stipulations of Approval</b>	
Staff recommends approval of the Vacation of Section Line Highway Right-of-Way.	