



Rapid City Planning Commission

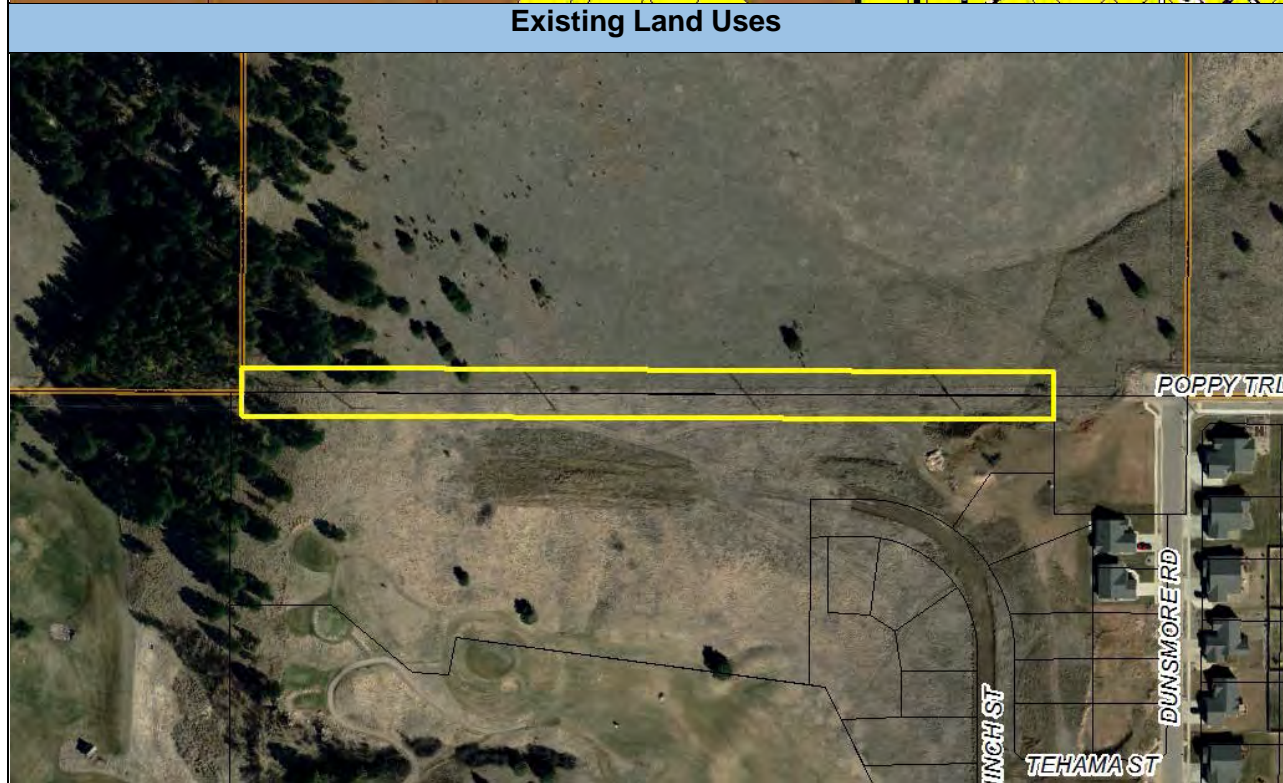
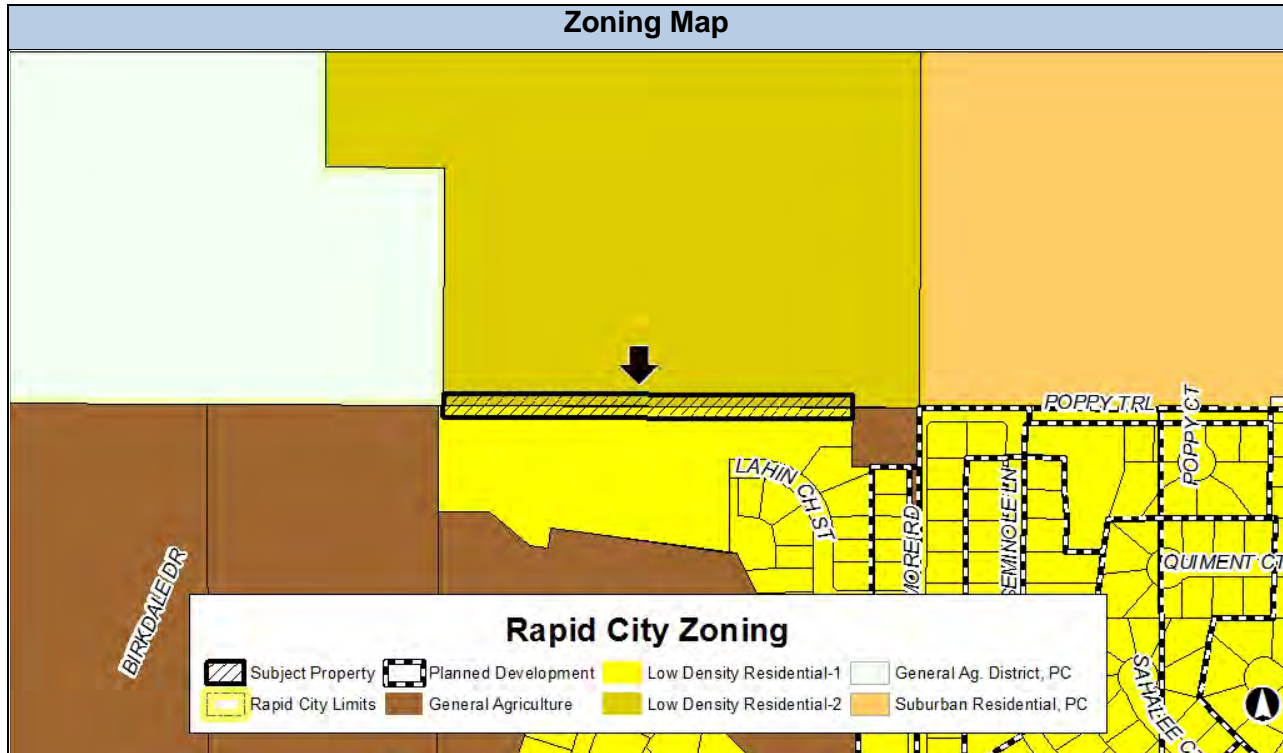
Vacation of Right-of-Way Project Report

March 23, 2017

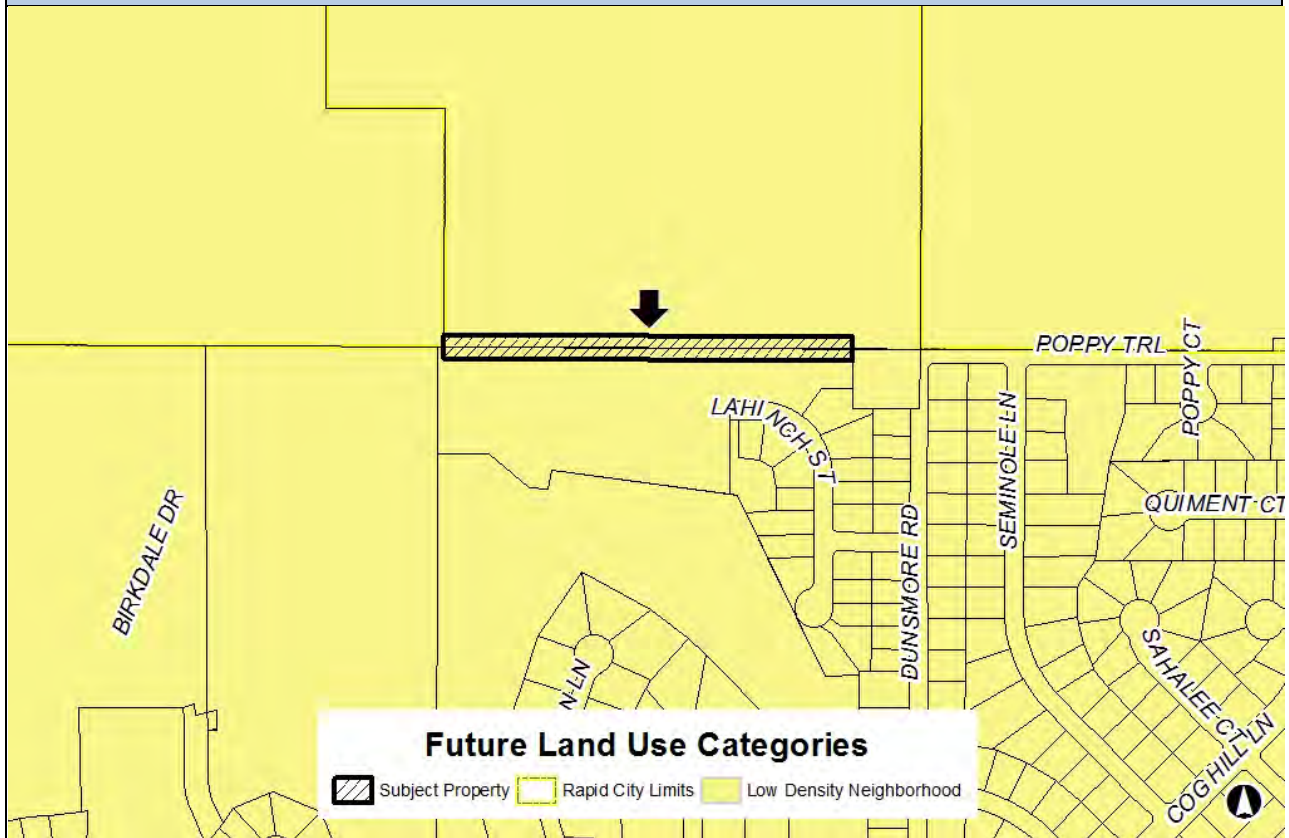
Item 11
Applicant Request(s)
Case #17VR003, a request to vacate a portion of a section line highway
Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of Right-of-Way request be approved with the stipulation(s) noted below.

Project Summary Brief	
<p>The applicant has submitted a request to vacate a portion of a section line highway located west of the intersection of Dunsmore Road and Poppy Trail. A Preliminary Subdivision Plan (File #16PL103) was approved by City Council on December 19, 2017 to create 90 residential lots and four large tracts to be known as Highpointe Ranch. As a stipulation of approval, the section line highway along the southern property line must be constructed, an Exception must be obtained waiving the required improvements, or the section line highway must be vacated. The applicant has noted that access to western portions of the property will be provided through an alternative street connection and that a proposed collector street located north of the proposed section line highway is proposed for construction as a part of the platting of the property. The proposed collector street and lot layout of the Preliminary Subdivision Plan make the retention and improvement of the section line highway unnecessary.</p>	
Applicant Information	Development Review Team Contacts
Applicant: KTM Design Solutions, Inc.	Planner: Robert Laroco
Property Owner(s): DKEA, LLC and Watershed Development, LLC	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: KTM Design Solutions, Inc.	School District: Kumar Veluswamy
Surveyor: Steven Thingelstad, Britton Engineering and Land Surveying, Inc.	Water/Sewer: Nicole Lecy
Other:	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	Approximately 180 ft west of the intersection of Poppy Trail and Dunsmore Road
Neighborhood	Sheridan Lake Road Neighborhood
Subdivision	Section 20, T1N, R7E, proposed Highpointe Ranch Subdivision; Red Rock Village Subdivision
Land Area	1.72 acres, approximately 74,821 sq ft
Existing Buildings	None
Topography	Hilly, gradually steeper slopes on the western portion of right-of-way
Access	Poppy Trail, Dunsmore Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	N/A

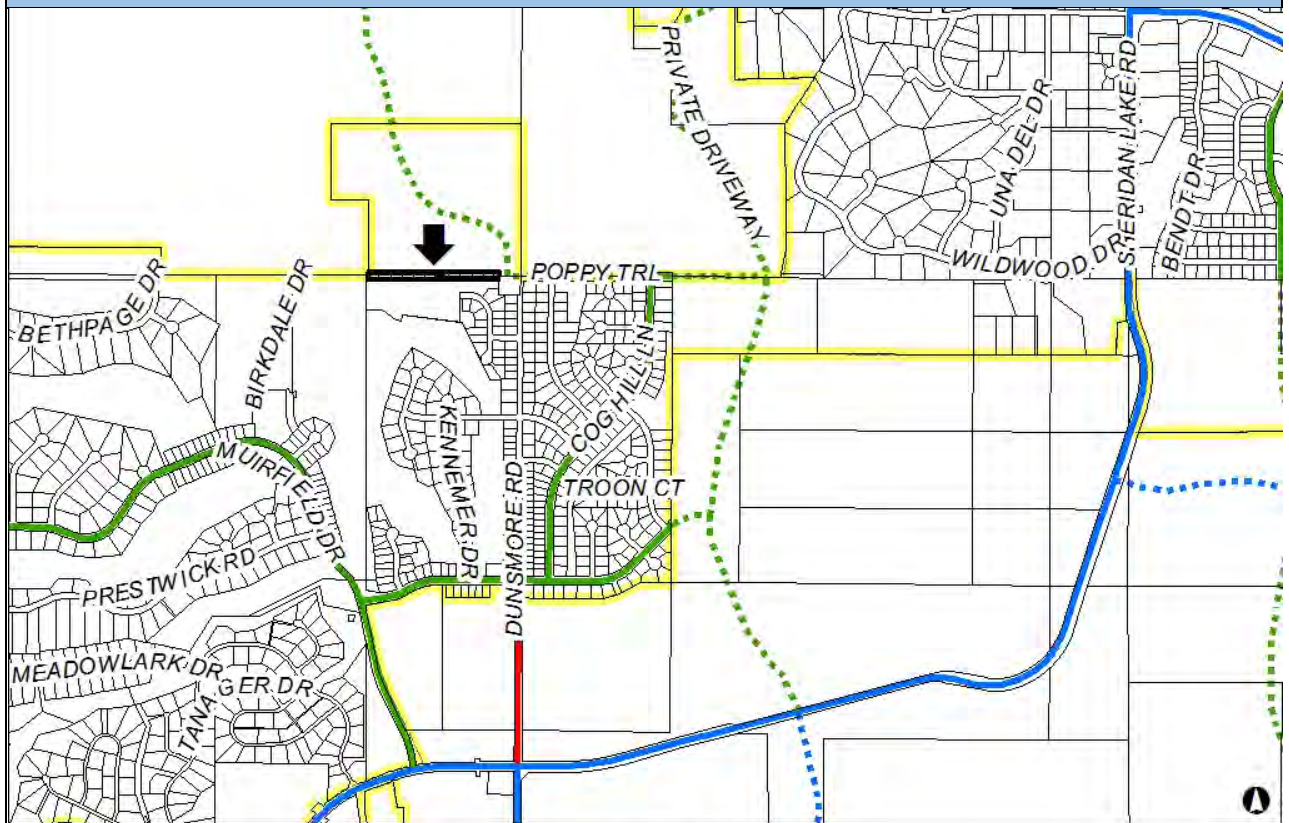
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	LDN	No structural development
Adjacent North	LDR-2	LDN	No structural development
Adjacent South	LDR-1	LDN	No structural development
Adjacent East	LDR-2, GA	LDN	No structural development
Adjacent West	GA, GA-Penn	LDN	No structural development



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
16PL103	12/9/16	Preliminary Subdivision Plan	City Council approved with stipulations
Relevant Zoning District Regulations			
N/A	Required		Proposed
Lot Area	No minimum required		4.712 acres, approximately 74,821 sq ft
Lot Frontage	No minimum required		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


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:	
Criteria	Findings
1. The vacation serves the interest of the City by removing maintenance or liability risks.	The requested Vacation of Right-of-Way removes maintenance, construction, and liability risk for an existing section line highway.
2. The property interest being vacated is no longer necessary for City operations.	The Master Plan submitted as a part of the associated Preliminary Subdivision Plan shows that an alternative access to western portions of the property will be provided from the north and south. In addition, a proposed collector street is located northwest of the property and will provide connectivity to property to the north and west. The section line highway is not necessary for future City operations. Public Works staff has indicated their support of the proposed vacation of right-of-way.
3. The land to be vacated is no longer necessary for the public use and convenience.	During review of this request, City staff noted that topographical constraints west of this portion of section line highway would make future construction of the road unlikely. In addition, future platting of the property will ensure that adequate access to anticipated residential development is maintained and that the proposed collector street shown on the Major Street Plan provides connectivity to property north and west of the section line highway. The land to be vacated is no longer necessary for public use and convenience.
4. The vacation will not create any landlocked properties.	The requested Vacation does not create any landlocked properties.
5. The vacation will not render access to any parcel	The requested Vacation of Right-of-Way does not render any parcel inaccessible.

inaccessible.	
6. The vacation will not reduce the quality of public services to any parcel of land.	Utility concurrence letters submitted as a part of the initial application note that Black Hills Power is in concurrence with the request so long as an easement is retained for existing facilities. The proposed utility easement will ensure that access to existing facilities is retained and that maintenance and upkeep of all facilities can occur in order to maintain the quality of public services for the area.

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
N/A	N/A
	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
GOV-2.1A	<u>Public Input Opportunities:</u> The requested Vacation of Right-of-Way will be considered by the Planning Commission, Public Works Committee, and the City Council. 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

Future Land Use Plan Designation(s):	Low Density Residential
Design Standards:	
N/A	N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Sheridan Lake Road Neighborhood
Neighborhood Goal/Policy:	
SLR-NA1.1G	<u>Urban Services:</u> The requested Vacation of Right-of-Way will not affect the extension of City infrastructure in the Urban Services Boundary if approved in conjunction with the required utility easement.

Findings	
Staff has reviewed the Vacation of 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 section line highway proposed for vacation will no longer be required upon approval and recording of the proposed utility easement. The section line highway is not necessary to maintain City operations or for public use and will not decrease the accessibility of property in the vicinity.	

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:	
1.	Prior to City Council approval, a revised and signed utility easement shall be submitted to Community Planning and Development Services for recording at the Register of Deed's office.