

STAFF REPORT
June 23, 2005

No. 05VR004 - Vacation of Section Line Highway

ITEM 24

GENERAL INFORMATION:

| | |
|-------------------------------|---|
| PETITIONER | Scott Landguth for Pete Lien and Sons |
| REQUEST | No. 05VR004 - Vacation of Section Line Highway |
| EXISTING LEGAL DESCRIPTION | The west 857.64 feet of Section Line Highway lying between the SW1/4SE1/4 of Section 17, T2N, R7E and the NW1/4NE1/4 of Section 20, T2N, R7E, all lying in BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 13.95 acres |
| LOCATION | At the northwest corner of Universal Drive and North Highway 79 |
| EXISTING ZONING | Heavy Industrial District and General Agriculture District (Pennington County) |
| SURROUNDING ZONING | |
| North: | General Commercial District (Pennington County) |
| South: | Heavy Industrial District (Pennington County) |
| East: | Low Density Residential District - General Agriculture District (Pennington County) |
| West: | General Agriculture District (Pennington County) |
| PUBLIC UTILITIES | Private water and wastewater |
| DATE OF APPLICATION | 4/28/2005 |
| REVIEWED BY | Vicki L. Fisher / Michelle Horkey |

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the applicant's request that the Vacation of Section Line Highway request be withdrawn.

GENERAL COMMENTS:

(Update, June 14, 2005. All revised and/or added text is shown in bold print.) This item was continued at the June 9, 2005 Planning Commission meeting at the applicant's request. Staff has, subsequently, identified that the section line highway is located outside of the City limits of Rapid City. As such, the Vacation of Section Line Highway request must be reviewed and approved by the Pennington County Board of Commissioners in lieu of Rapid City. The City Attorney's Office has indicated that since the property is located within the three mile platting jurisdiction of the City and a Comprehensive Plan has been adopted for this area, a SDCL 11-6-22 Review must be reviewed and approved by the Rapid City Planning Commission for the vacation of section line highway. In particular, South Dakota Codified Law 11-6-22

STAFF REPORT
June 23, 2005

No. 05VR004 - Vacation of Section Line Highway

ITEM 24

states that "...the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground, place, property, or structure, shall be subject to submission and approval similar to that provided in §§ 11-6-19 to 11-6-21, inclusive, and the failure to approve may be similarly overruled". South Dakota Codified Law 11-6-19 requires that the action be submitted to and approved by the municipal's Planning Commission.

The applicant has, subsequently, requested that this item be withdrawn. The applicant has also indicated that a SDCL 11-6-22 Review will be submitted for review and approval by the Rapid City Planning Commission and that a Vacation of Section Line Highway request will be submitted for review and approval by the Pennington County Board of Commissioners. Staff is recommending that the Planning Commission acknowledge the applicant's request to withdraw this item.

(Update, May 31, 2005. All revised and/or added text is shown in bold print.) This item was continued at the May 26, 2005 Planning Commission meeting at the applicant's request. The applicant has submitted a Vacation of Section Line Highway request to vacate the western 857 feet of the section line highway located along the south lot line of the subject property. In addition, the applicant has submitted a Preliminary Plat of the subject property to reconfigure the three lots. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along S.D. Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the balance of the section line highway located along the south lot line of the subject property. (See companion items 05PL072 and 05SV027.)

The subject property is located in the northwest corner of the intersection of Universal Drive and S.D. Highway 79. The property was the previous site of the grey hound dog racing track. Currently, a portion of the facility is still located on the property.

STAFF REVIEW:

On May 18, 2005, the applicant requested that this item be continued to the June 9, 2005 Planning Commission meeting. As such, staff is recommending that the Variance to the Subdivision Regulations be continued as requested. On May 31, 2005, the applicant requested that this item be continued to the June 23, 2005 Planning Commission meeting. In particular, the applicant has indicated that additional time is needed to review alternate access to an adjacent property. As such, staff is recommending that the Variance to the Subdivision Regulations be continued as requested.

As noted above, staff is recommending that the Planning Commission acknowledge the applicant's request to withdraw this item.