



# Rapid City Planning Commission

## Vacation of Right-of-Way Project Report

### September 10, 2015

Applicant Request(s)
Case # 15VR011 – Vacation of Section Line Highway
Companion Case(s) #: 15PL033-Preliminary Subdivision Plan and 15PL065-Preliminary Subdivision Plan

Development Review Team Recommendation(s)
<b>Approve with stipulation</b>

Project Summary Brief
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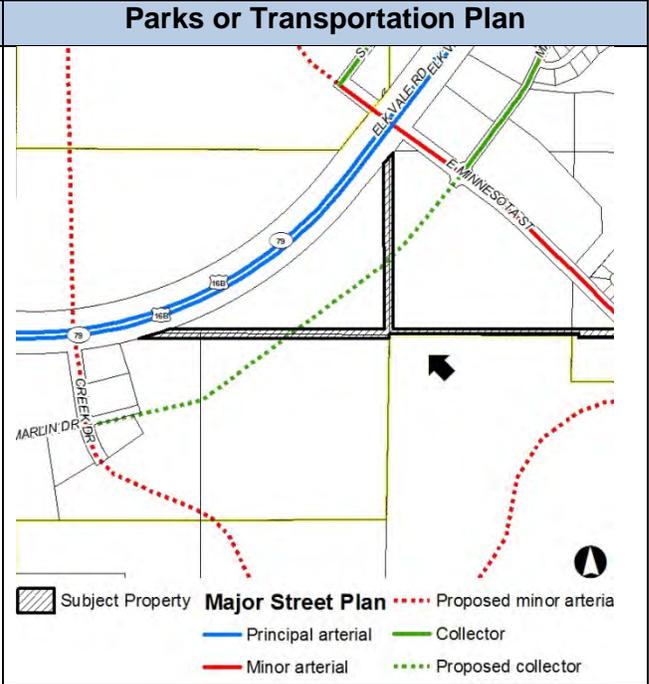
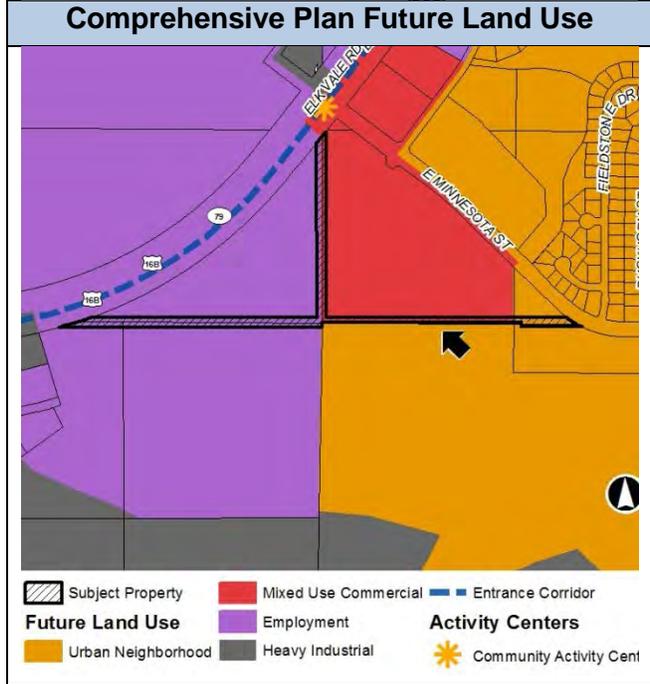
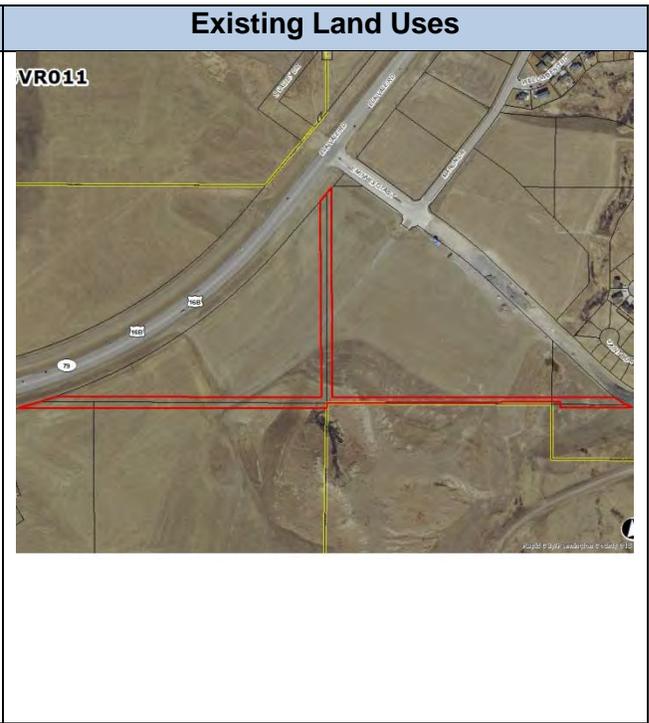
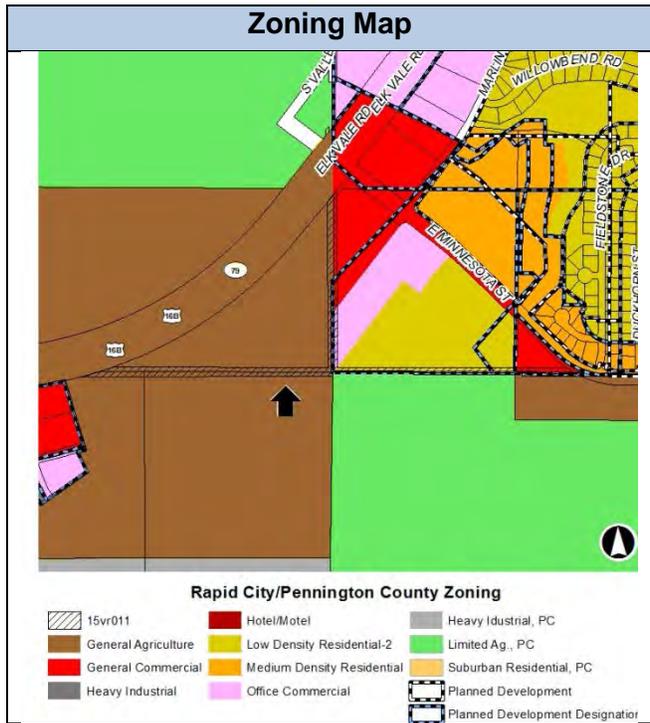
The applicant has submitted a Vacation of Section Line Highway application to vacate the section line highways located between east of Elk Vale Road and south of East Minnesota Street within the proposed Elks Crossing Subdivision. The City has recently approved a Preliminary Subdivision Plan (File #15PL033) to create 43 residential lots and a Preliminary Subdivision Plan (File #15PL065) to create 17 commercial lots within this area of Elks Crossing Subdivision. Stipulations of approval for the Preliminary Subdivision Plan applications require that the Section Line Highways be constructed to City Street Design Standards or that an Exception be obtained to waive the improvements or that the Section Line Highway(s) be vacated. Please note that a portion of the southern half of the Section Line Highway located in Section 21 is outside of the City limits. As such, the applicant is working with Pennington County to vacate this portion of the section line highway.

Applicant Information	Development Review Team Contacts
Applicant: Dream Design International, Inc.	Planner: Vicki L. Fisher
Property Owner: Dennis Zanstra Real Estate Holdings, SSST LLC, and ZCO Incorporated	Engineer: Dan Kools
Architect: NA	Fire District: Tim Behlings
Engineer: Dream Design International, Inc.	School District: NA
Surveyor: Renner & Associates, LLC	Water/Sewer: Dan Kools
Other: NA	DOT: Stacy Bartlett

Subject Property Information	
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Address/Location	The Section Line Highways are located east of Elk Vale Road and south of E. Minnesota Street within the proposed Elks Crossing Subdivision
Neighborhood	Employment Center / Mixed Use Commercial with a Community Activity Center at the intersection of Elk Vale Road and E. Minnesota Street.
Subdivision	Proposed Elks Crossing Subdivision
Land Area	0.94 acres or 40,920 square feet
Existing Buildings	NA
Topography	Slight rise from west to east, relatively flat
Access	E. Minnesota Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	NA
Other	NA

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GAD, GC, LDR II w/PDD, OC w/PDD	EC and MUC – Community Activity Center	Vacant
Adjacent North	GC	EC and MUC – Community Activity Center	Vacant
Adjacent South	LAD (County)	UN	Vacant
Adjacent East	MDR and LDR II	UN	Residential Development
Adjacent West	GAD	EC	Vacant



Relevant Case History			
Case/File#	Date	Request	Action
15PL033	4/23/15	Preliminary Subdivision Plan to create 43 residential lots	Approved
15PL065	8/27/10	Preliminary Subdivision Plan to create 17 commercial lots	Goes to Council 9/8/15
Relevant Zoning District Regulations			
NA	Required	Proposed	
Lot Area	NA	N/A	
Lot Frontage	NA	NA	
Maximum Building Heights	NA	NA	
Maximum Density	NA	NA	
Minimum Building Setback:			
• Front	NA	NA	
• Rear	NA	NA	
• Side	NA	NA	
• Street Side	NA	NA	
Minimum Landscape Requirements:			
• # of landscape points	NA	NA	
• # of landscape islands	NA	NA	
Minimum Parking Requirements:			
• # of parking spaces	NA	NA	
• # of ADA spaces	NA	NA	
Signage	NA	NA	
Fencing	NA	NA	

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 applicant is proposing to vacate portions of the section line highways within proposed Elks Crossing Subdivision. Upon platting, interior streets to the proposed lots will be secured and constructed. The section line highways are not needed to provide access to this area. In addition, vacating the section line highways will create larger building envelopes on the adjacent lots.
2. The property interest being vacated is no longer necessary for City operations.	The section line highways are not identified on the Major Street Plan or the City's Master Utility Plan. Black Hills Power and Vast have indicated that a 20 foot wide utility easement must be secured in a portion of the section line highway(s) to accommodate existing facilities. The easement will be recorded prior to City Council approval of the Vacation request.
3. The land to be vacated is no longer necessary for the public use and convenience.	Other than the easement area for Black Hills Power and Vast as noted above, the section line highways are no longer necessary for the public use or convenience.

4. The vacation will not create any landlocked properties.	Vacating the section line highways as proposed will not result in any landlocked properties. .
5. The vacation will not render access to any parcel unreasonable.	Currently access to this area is provided from E. Minnesota Street and Elk Vale Road. As individual lots are created as a part of Elks Crossing Subdivision, interior streets will be dedicated and constructed. The section line highways are not needed to provide access to the existing property or the proposed future subdivision of the property.
6. The vacation will not reduce the quality of public services to any parcel of land.	Black Hills Power and Vast currently have facilities in a portion of the area of the proposed section line highway vacation. As such, prior to City Council approval, a utility easement must be secured for this 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**

 <b>A Balanced Pattern of Growth</b>	
BPG-1.2A	<u>Priority Infill Areas:</u> High priority areas for infill development include any vacant or undeveloped properties located within Regional and Community Activity Centers as shown on the Future Land Use Plan map. The Future land Use Plan identifies a Community Activity Center within this area of the applicant's property. Vacating the section line highways as proposed will promote infill development within this priority infill area.
 <b>A Vibrant, Livable Community</b>	
LC-1.1A	<u>Innovative Design:</u> Flexible design of new development and neighborhoods is encouraged. Vacating the section line highways as proposed will create larger building envelopes on the proposed adjacent lots. Utility and street corridors will be secured within the proposed interior streets as a part of the Elks Crossing Subdivision.
 <b>A Safe, Healthy, Inclusive, and Skilled Community</b>	
SHIS-1.1A	<u>Levels of Service:</u> Appropriate levels of service for police, fire and emergency services must be secured. Elk Vale Road and E. Minnesota Street currently provide access to this area. Additional interior streets will be secured and constructed as this phase of Elks Crossing is platted, securing appropriate levels of service.
 <b>Efficient Transportation and Infrastructure Systems</b>	
TI-2.1A	<u>Major Street Plan Integration:</u> The Major Street Plan must be integrated into land use planning and the development review planning to ensure the development and maintenance of a complete roadway network. The Major Street Plan does not identify any streets within the section line highways. The applicant is proposing to extend Marlin Drive south from E. Minnesota Street to serve as access to the proposed commercial lots along Elk Vale Road. Marlin Drive is identified as a collector street on the City's Major Street Plan. Vacating the section line highways and developing the property as shown on the

	associated Preliminary Subdivision Plans demonstrates that this Core Value is being met.
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	NA
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> The proposed Vacation of Section Line Highways requires that public notice be advertized in the local newspaper. The requested Vacation of 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.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	<b>Employment Center and Mixed Use Commercial – Community Activity Center</b>
<b>Design Standards:</b>	
GDP-GEC4	<u>Access Management:</u> Access must be established when development occurs to manage traffic circulation and protect the character of the City’s gateways and entrance corridors. Elk Vale Road and E. Minnesota Street currently serve as access to this area. Additional interior streets will be dedicated and constructed as a part of the development of this phase of Elks Crossing Subdivision. As such, traffic circulation is being secured.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>Southeast Connector Neighborhood Area</b>
<b>Neighborhood Goal/Policy:</b>	
SEC-NA1.1E	<u>Entrance Corridors:</u> Elk Vale Road is recognized as an entrance corridor into the City. As such, development within this area is encouraged to enhance this principle. Vacating the section line highways as proposed will allow for a mix of commercial and residential uses along the corridor. In addition, appropriate street networking will be secured as a part of the platting for this phase of Elks Crossing Subdivision.

<b>Findings</b>	
The Vacation of Section Line Highway request is in compliance with Chapter 16.08.120.E of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan.	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:	
1.	Prior to City Council approval, the proposed utility easement shall be recorded and a copy of the recorded document submitted to the Community Planning and Development Services Department.