



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

May 5, 2016

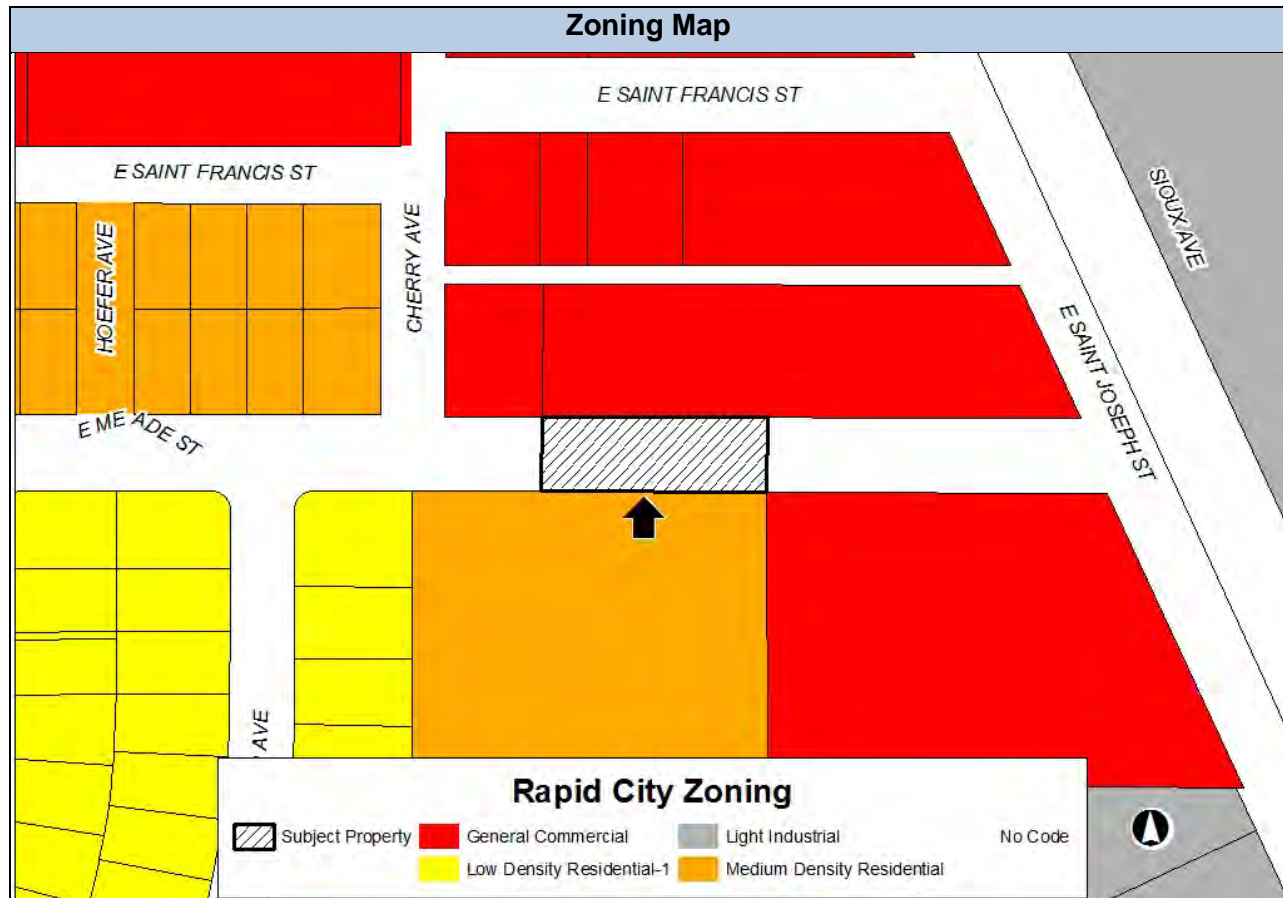
Item #11
Applicant Request(s)
Case # 16VR004 – Vacation of Right-of-Way
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of Right-of-Way be denied

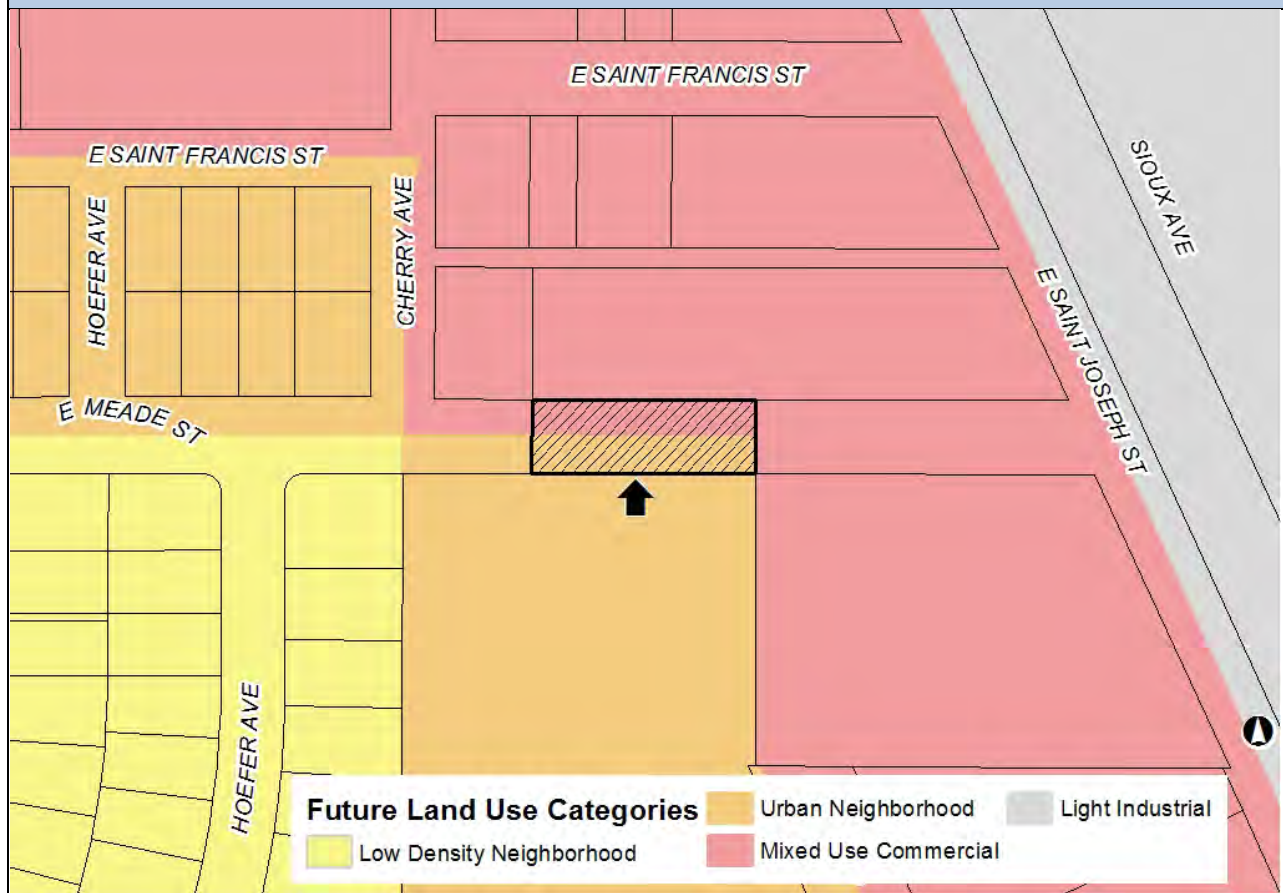
Project Summary Brief	
<p>The applicant has submitted a Vacation of Right-of-Way application for a portion of East Meade Street right-of-way located east of the intersection of East Meade Street and Hoefer Avenue and west of East Saint Joseph Street. The section of right-of-way is not used for access. An open concrete drainage channel and a grass drainage channel are located on the southeast corner of the proposed right-of-way to be vacated.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Warner Ghere	Planner: Fletcher Lacock
Property Owner: Warner Ghere	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: James Heald	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Southeast of the southern terminus of Cherry Avenue
Neighborhood	Downtown / Skyline Drive
Subdivision	Nicholls Subdivision
Land Area	Approximately 18,000 square feet
Existing Buildings	No structural development
Topography	Relatively flat
Access	Cherry Avenue
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 100-year and 500-year floodplain
Other	N/A

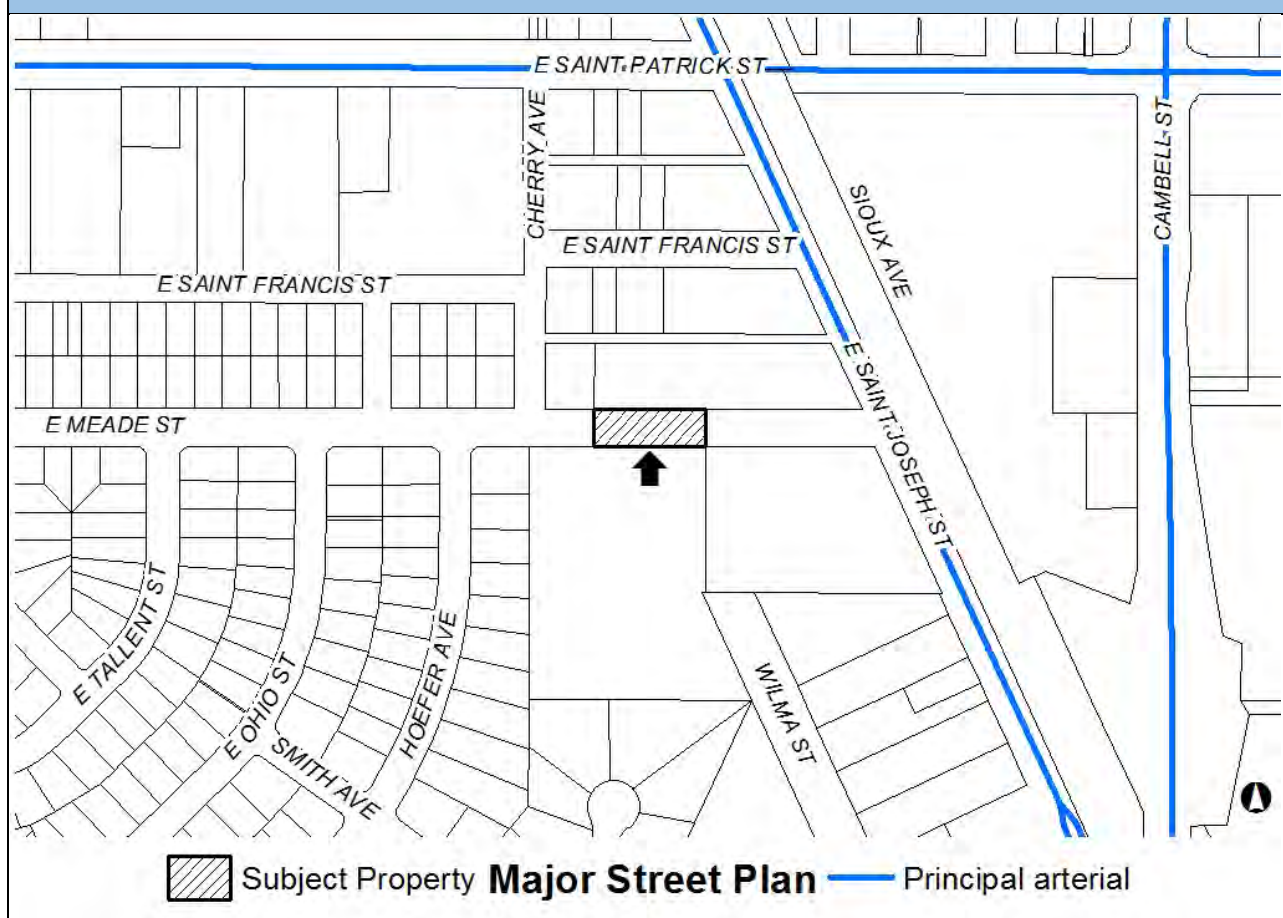
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	MUC and UN	East Meade Street right-of-way
Adjacent North	GC	MUC	Commercial structure
Adjacent South	MDR	UN	Single-family dwelling
Adjacent East	GC	MUC	One story commercial
Adjacent West	LDR and MDR	LDN and UN	Single-family dwellings



Comprehensive Plan Future Land Use



Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District and Medium Density Residential District	Required	Proposed	
Lot Area	GC – Not required / MDR 6,500 square feet	Approximately 18,000 square feet	
Lot Frontage	GC - Not required / MDR – 50 feet	Existing right-of-way width is 48 feet	
Maximum Building Heights	GC - 4 stories or 45 feet / MDR – 3 stories or 35 feet	N/A	
Maximum Density	GC - 75% / MDR – 30%	N/A	
Minimum Building Setback:			
• Front	GC - 25 feet / MDR – 20 feet	N/A	
• Rear	GC - “0” feet / MDR – 25 feet	N/A	
• Side	GC - “0” feet / MDR – 8 feet	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.	Public Works staff has indicated that there is an existing water main located in the portion of right-of-way to be vacated. In addition, Black Hills Power and SDN Communications have indicated that utilities are also located in the portion of right-of-way to be vacated. This portion of East Meade Street right-of-way would provide another access to the residential neighborhood to the west. The street section of East Meade Street has been constructed to the east of the subject property. It does not appear that vacating this portion of East Meade Street right-of-way will serve the best interest of the City.
2. The property interest being vacated is no longer necessary for City operations.	This portion of East Meade Street has not been constructed to City design standards and is not used for vehicular access. The applicant has indicated that the intent is to construct a security fence around equipment which is currently stored in the right-of-way. The applicant should be aware that a security fence cannot be constructed over a public water main and that the right-of-way cannot be used for storage. As noted above, a future connection of East Meade Street would provide another access to the

	Robbinsdale neighborhood. As such, staff cannot support the requested Vacation.
3. The land to be vacated is no longer necessary for the public use and convenience.	As noted above, a public water main is currently located in this portion of East Meade Street right-of-way. In addition, East Meade Street has been constructed to connect with East Saint Joseph Street. The future construction of East Meade Street to the west would provide an alternate access point to the Robbinsdale neighborhood.
4. The vacation will not create any landlocked properties.	Properties to the north and south take access from Cherry Avenue. Properties to the west take access from Hoefer Avenue. The properties to the east take access from East Meade Street and East Saint Joseph Street. The proposed Vacation does not create any landlocked properties.
5. The vacation will not render access to any parcel unreasonable.	As noted above, access to the adjacent property will not be affected by the proposed Vacation.
6. The vacation will not reduce the quality of public services to any parcel of land.	The proposed Vacation of East Meade Street right-of-way would remove the possibility of constructing a connection from East Saint Joseph Street to the Robbinsdale neighborhood to the west. East Meade Street has been constructed to the east of this portion of right-of-way. The applicant has indicated that the intention of the Vacation is to construct a security fence. Public Works staff has stated that a fence cannot be constructed within an easement for a water main.

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
	A Vibrant, Livable Community
	N/A
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: Public Works staff and Transportation Planning staff have indicated that East Meade Street would provide an alternate access to the Robbinsdale neighborhood. Currently, access to Saint Patrick Street or East Saint Joseph Street requires navigating residential streets. Vacating this portion of right-of-way would eliminate a potential access point to an existing residential neighborhood.
	Economic Stability and Growth
	N/A

 Outstanding Recreational and Cultural Opportunities	
N/A	
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	Public Input Opportunities: 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. 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):	Mixed Use Commercial – Urban Neighborhood
Design Standards:	
GDP-N2	Connectivity: Vacating this portion of East Meade Street right-of-way would eliminate a potential linkage from the Robbinsdale neighborhood to a Community Activity Center located northeast of the subject property. Currently, there are limited options for the Robbinsdale neighborhood to access East Saint Joseph Street or Saint Patrick Street which are both identified as Principal Arterial Streets on the City's Major Street Plan. The portion of East Meade Street located to the east has been constructed providing access to East Saint Joseph Street. Public Works staff has indicated that vacating the right-of-way would limit the options to establish roadway connections.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive
Neighborhood Goal/Policy:	
N/A	Providing access and connectivity is a major component of the Downtown / Skyline Drive Neighborhood Area. Public Works and Transportation Planning staff have indicated that the future extension of East Meade Street would provide the access and connectivity needed for this area of the City. As noted above, East Meade Street has been constructed to City design standards east of the subject property. In addition, public and private utilities are currently located in this portion of right-of-way. The applicant should be aware that the vehicles and equipment that are currently located in the right-of-way must be removed.

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 proposed Vacation of Right-of-Way eliminates the ability for the City to provide access and connectivity from the Robbinsdale neighborhood area to a Principal Arterial Street and a Community Activity Center. There are already existing public and private utilities located in this portion of right-of-way limiting structural development. The applicant should be aware that a security fence would not be allowed to encroach into the water main easement. In addition, the portion of East Meade Street located east of the subject property has been recently constructed to City design standards and provides access to East Saint Joseph Street. Staff recommends that the Vacation of Right-of-Way be denied for these reasons.

Planning Commission Recommendation and Stipulations of Approval
Staff recommends that the Vacation of Right-of-Way be denied