



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

June 9, 2016

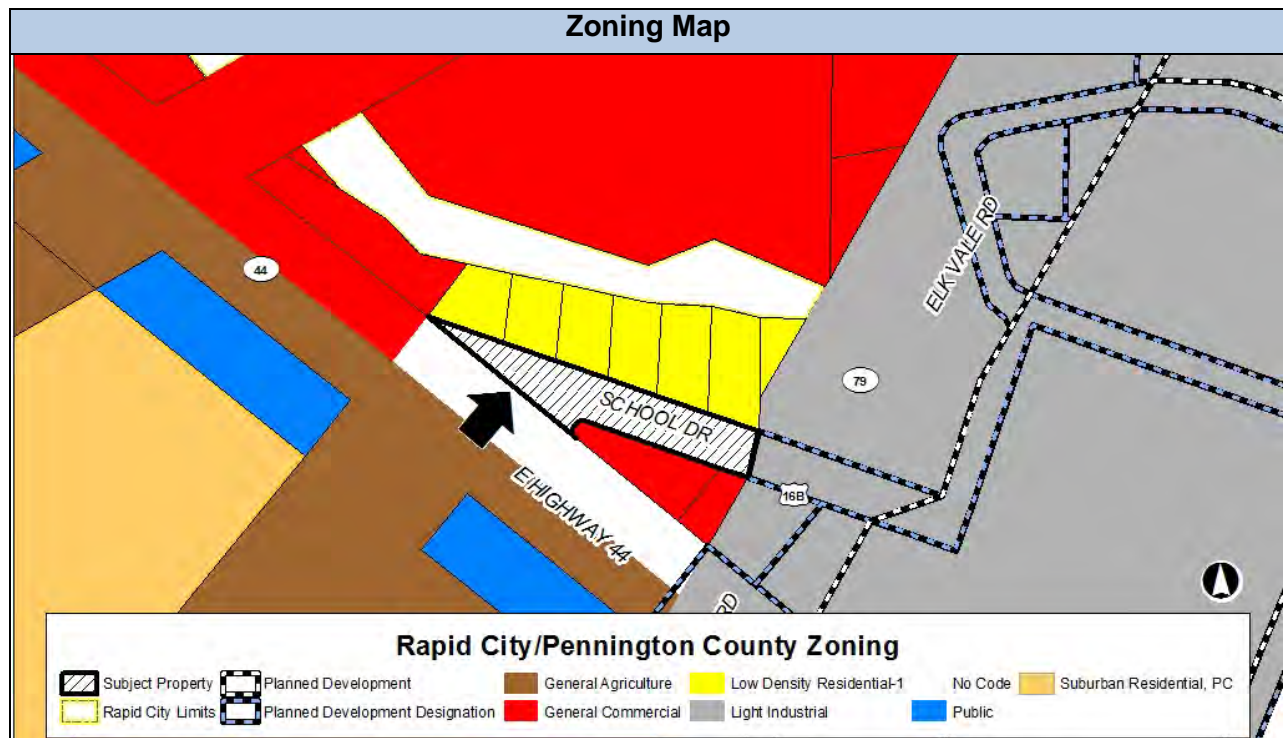
Item 5	
Applicant Request(s)	
Case #16VR006	Vacation of Right-of-Way to vacate a portion of the School Drive right-of-way
Companion Case File #16PL050	Preliminary Subdivision Plan to create one commercial lot

Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of Right-of-Way request be approved with the stipulations noted below.

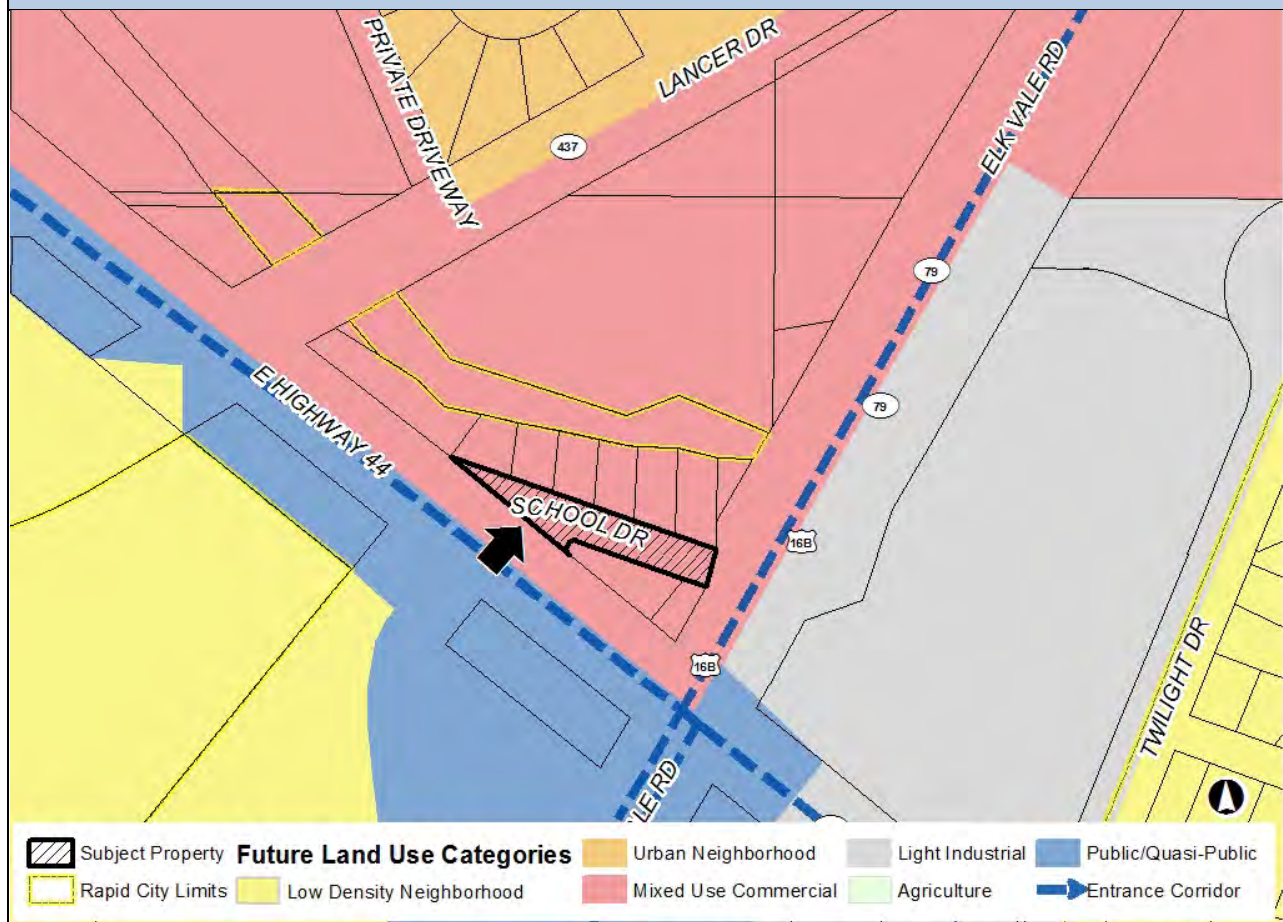
Project Summary Brief	
<p>The applicant has submitted this Vacation of Right-of-Way application for a portion of the School Drive right-of-way located north of S.D. Highway 44 and west of Elk Vale Road. The applicant has submitted an associated Preliminary Subdivision Plan (File #16PL050) to consolidate the right-of-way once it is vacated as well as several additional adjoining lots to create one 2.27 acre commercial lot. The applicant has indicated plans to develop the property with a convenience store with gas sales and a carwash in the future.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Holiday Companies	Planner: Robert Laroco
Property Owner: Holiday Stationstores, Inc. SD Department of Transportation	Engineer: Ted Johnson
Architect: N/A	Fire District: Tim Behlings
Engineer: FMG, Inc.	School District: Kumar Veluswamy
Surveyor: FMG, Inc.	Water/Sewer: Ted Johnson
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	North of S.D. Highway 44, west of Elk Vale Road
Neighborhood	Elk Vale Road Neighborhood
Subdivision	Johnson School Subdivision
Land Area	1.6 acres, approximately 69,696 sq ft
Existing Buildings	No structural development
Topography	Generally level, with adjacent properties sloping downhill from north to south
Access	S.D. Highway 44
Water Provider	Rapid Valley Sanitary District
Sewer Provider	Rapid Valley Sanitary District
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	N/A

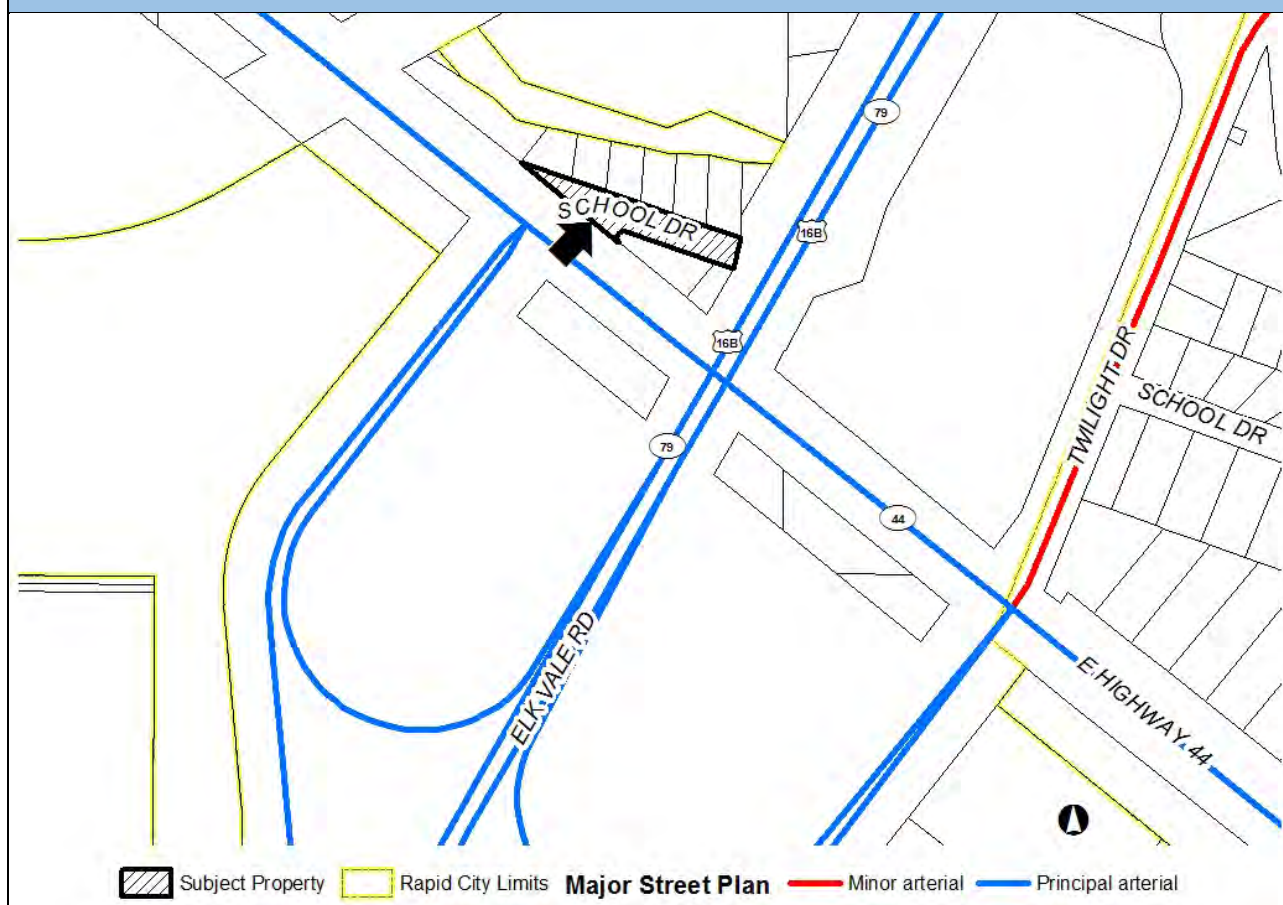
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	MUC, Gateway, Entrance Corridor	School Drive right-of-way
Adjacent North	LDR	MUC, Gateway, Entrance Corridor	Demolished residential properties
Adjacent South	GC,m Public	MUC, Public, Gateway, Entrance Corridor	Demolished commercial structures, drainage
Adjacent East	LI/PD	LI, Gateway, Entrance Corridor	Existing offices, shops
Adjacent West	GC	MUC, Gateway, Entrance Corridor	Commercial development



Comprehensive Plan Future Land Use



Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
N/A	Required		Proposed
Lot Area	No minimum required		1.6 acres, approximately 69,696 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 and liability risk for the School Drive right-of-way located north of S.D. Highway 44 and west of Elk Vale Road.
2. The property interest being vacated is no longer necessary for City operations.	The requested Vacation of Right-of-Way is for a portion of School Drive which the applicant is proposing to incorporate into the development of a convenience store. Public Works staff has noted that there does not appear to be City utilities located within School Drive. The applicant is proposing to retain a utility and drainage easement as a part of this vacation request for Rapid Valley Sanitary District facilities which are located within the right-of-way. Prior to City Council approval, a drainage and utility easement exhibit must be submitted with the correct legal description and drawing of the proposed easement.
3. The land to be vacated is no longer necessary for the public use and convenience.	The associated Preliminary Subdivision Plan shows that these portions of the alley right-of-way will be a part of the overall development of the proposed convenience store. In addition, the residential uses located north of School Drive right-of-way have been purchased by the applicant and the single family residences have been demolished. The land to be vacated is no longer necessary for public use and convenience.
4. The vacation will not create	The requested Vacation of Right-of-Way does create six

any landlocked properties.	landlocked properties located north of the School Drive right-of-way. However, the associated Preliminary Subdivision Plan does show that the properties will be consolidated with the School Drive right-of-way and the commercial properties located between School Drive and S.D. Highway 44. Based on the associated Preliminary Subdivision Plan for the property and the anticipated future development of the land, it does not appear that the requested vacation will impact development of the site.
5. The vacation will not render access to any parcel inaccessible.	The requested Vacation of Right-of-Way does not render any parcels inaccessible with the review and approval of the associated application(s).
6. The vacation will not reduce the quality of public services to any parcel of land.	The required utility and drainage easement will ensure that the quality of public services as well as access and circulation throughout the site are retained.

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
TI-1.2A	<u>Asset Management</u> : The proposed Vacation request is for a portion of right-of-way bisecting property proposed for redevelopment. Ultimately the existing street is no longer necessary and redevelopment of the street as a part of the proposed redevelopment on adjacent properties will result in a more efficient and effective allocation of infrastructure related assets.
	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 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.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial, Urban Neighborhood, Revitalization corridor
Design Standards:	
GDP-MU10	<u>Lot Consolidation:</u> The applicant has submitted a Preliminary Subdivision Plan in association with this Vacation of Right-of-Way which shows that the School Drive right-of-way will be platted into one lot along with the adjacent six lots to the north and two lots to the south of the right-of-way. This request will permit the vacated street to be incorporated into the anticipated future lot.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Elk Vale Road Neighborhood
Neighborhood Goal/Policy:	
EV-NA1.1F	<u>Gateways:</u> The future development of this property is an opportunity to apply the established design criteria and guidelines for Gateway and Entrance corridors at a key intersection identified in the Elk Vale Road Neighborhood.

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 portion of School Drive proposed for vacation will no longer be required upon approval and recording of the proposed public access and utility easement and the platting of the property. The alleyway 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, revised Exhibits for the proposed alley vacation and public access and utility easement shall be submitted for recording as needed.