



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

May 10, 2018

Item #2
Applicant Request(s)
Case #17VR009 – 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 approved

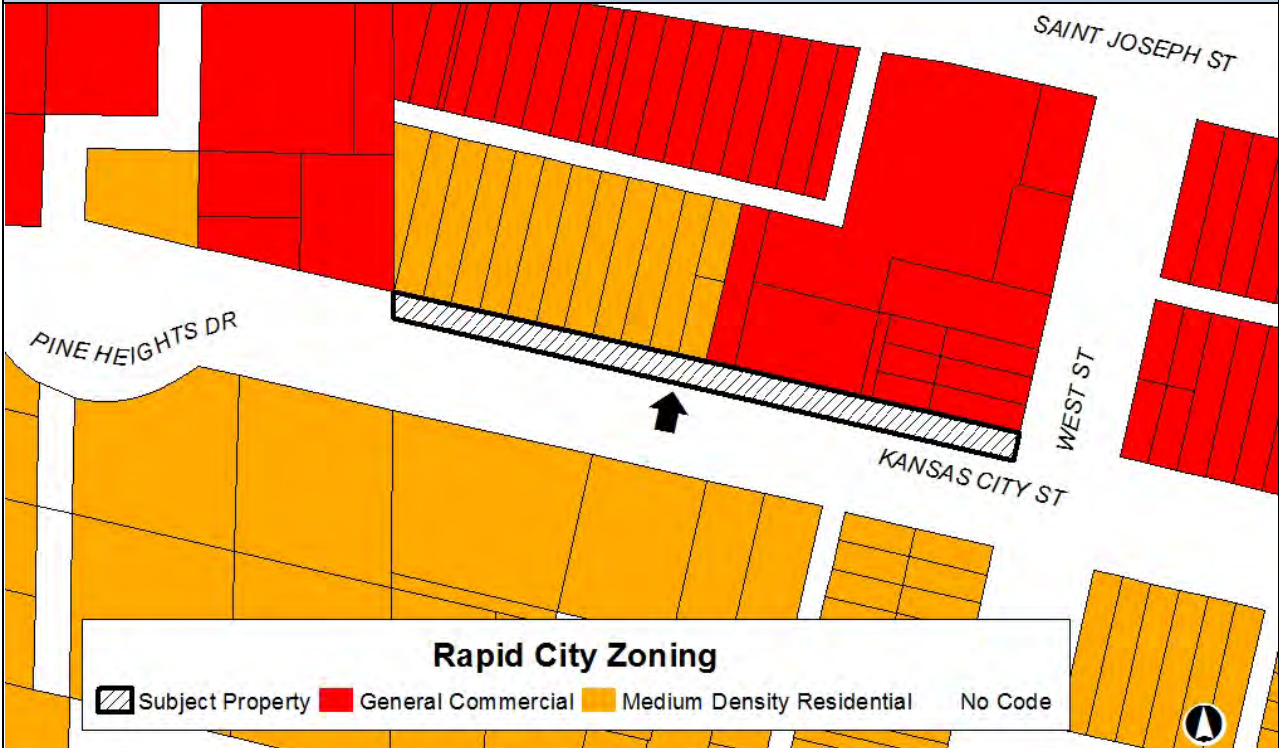
Project Summary Brief
The applicant has submitted a Vacation of Right-of-Way application for a portion of Kansas City Street. The right-of-way is approximately 0.27 acres in size. Kansas City Street is identified as a local street requiring a minimum of 52 feet of right-of-way. The proposed Vacation request maintains a minimum of 78 feet of right-of-way.

Applicant Information	Development Review Team Contacts
Applicant: Harney Lumber co, The Robford Co, Northwestern Engineering Co	Planner: Fletcher Lacock
Property Owner: Harney Lumber co, The Robford Co, Northwestern Engineering Co	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Fisk Land Surveying & Consulting Engineers, Inc.	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	North side of Kansas City Street west of the intersection with West Street
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Boulevard Addition
Land Area	Approximately 0.28 acres (12,100 square feet)
Existing Buildings	No structural development
Topography	Rises in elevation from east to west approximately 20 feet
Access	Kansas City Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	The east portion of right-of-way is located in the West Boulevard Historic District

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	MUC	Kansas City Street right-of-way
Adjacent North	MDR and GC	UN and MUC	Single-family dwellings
Adjacent South	MDR	UN	Single-family and multi-family dwellings
Adjacent East	GC	MUC	Parking lot
Adjacent West	GC	MUC	Void of structural development

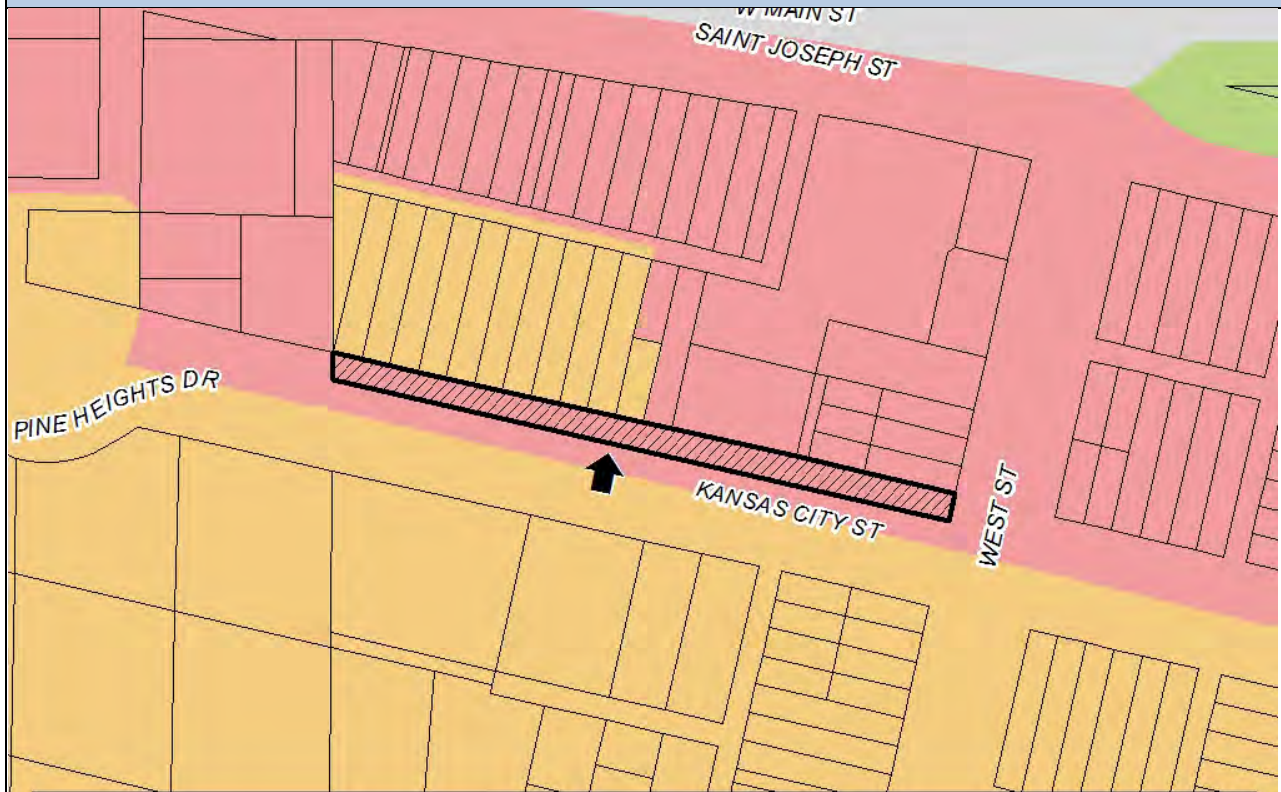
Zoning Map



Existing Land Uses



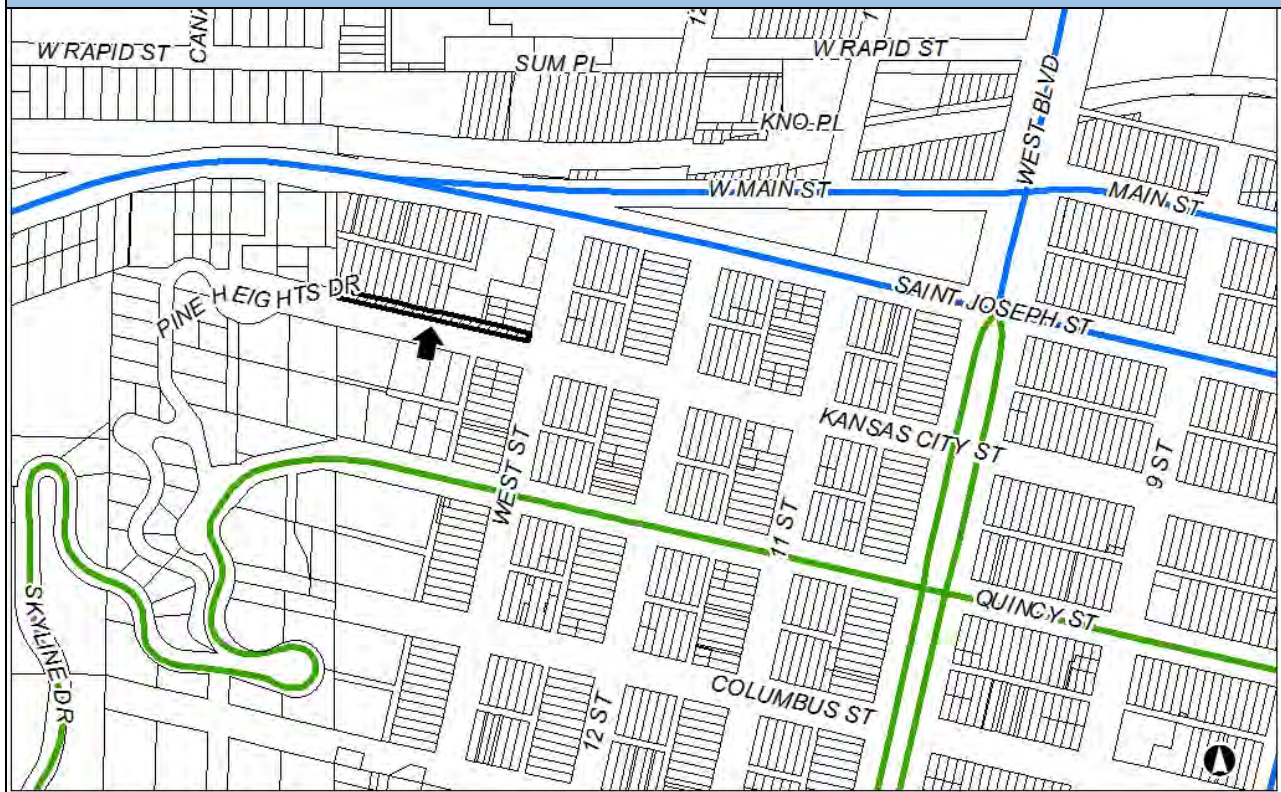
Comprehensive Plan Future Land Use



Future Land Use Categories

- Subject Property
- Urban Neighborhood
- Mixed Use Commercial
- Light Industrial
- Parks and Greenway
- Public/Quasi-Public

Parks or Transportation Plan



Major Street Plan








- Subject Property
- Collector
- Principal arterial

Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District / Medium Density Residential District	Required	Proposed	
Lot Area	GC - N/A / MDR - 6,500 sf	N/A	
Lot Frontage	GC - N/A / MDR - 25 feet	N/A	
Maximum Building Heights	GC - 4 stories or 45 feet / MDR - 3 stories or 35 feet	N/A	
Maximum Density	GC - 75% / MDR - 35%	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.	The applicant is proposing to vacate a 22 foot wide portion of Kansas City Street right-of-way located west of West Street. The portion of right-of-way to be vacated does not include the paved street or existing sidewalk. Public Works staff has indicated that this portion of Kansas City Street is identified in the Capital Improvement Plan (CIP) for reconstruction. As such, the applicant has submitted a 14 foot wide Utility Easement to be dedicated once the right-of-way is vacated for any future reconstruction needs and existing private utilities.
2. The property interest being vacated is no longer necessary for City operations.	As noted above, the reconstruction of Kansas City Street is identified in the CIP. The applicant is proposing to dedicate a 14 foot wide Utility Easement for any future reconstruction needs and existing private utilities. The new easement will be dedicated once the right-of-way is vacated.
3. The land to be vacated is no longer necessary for the public use and convenience.	As noted above, this portion of Kansas City Street is identified as a local street requiring 52 feet of right-of-way. A minimum of 78 feet of right-of-way will be maintained with this proposed vacation of Right-of-Way request. However, the steep rise in elevation on the south side of the street means that improvements must be offset to the north. As such, the applicant has agreed to dedicate a 14 foot wide

	Utility Easement for any future reconstruction needs and existing private utilities.
4. The vacation will not create any landlocked properties.	The proposed Vacation of Right-of-Way will not create any landlocked properties.
5. The vacation will not render access to any parcel unreasonable.	The proposed Vacation of Right-of-Way will not render access to any parcel unreasonable.
6. The vacation will not reduce the quality of public services to any parcel of land.	As noted above, the right-of-way to remain exceeds the minimum required for a local street. In addition, the portion of right-of-way to be vacated does not include the existing street or sidewalk. The applicant is also proposing to dedicate a 14 foot wide Utility Easement to accommodate the future reconstruction of Kansas City Street and private utilities.

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: Kansas City Street is identified as a Local Street per the Infrastructure Design Criteria Manual. A minimum right-of-way width of 52 feet is required. The Vacation of Right-of-Way will maintain a minimum width of 78 feet.
	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
Design Standards:	
N/A	As noted above, this portion of Kansas City Street is identified as a local street.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive Neighborhood Area
Neighborhood Goal/Policy:	
N/A	The property is located west of downtown in an established residential neighborhood on the periphery of the West Boulevard Historic District. West and south of the subject property area rises in elevation to Skyline Drive.

Findings	
<p>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 applicant is proposing to vacate a 22 foot wide portion of Kansas City Street. This portion of Kansas City Street is identified as a local street and is identified for reconstruction in the Capital Improvement Plan in the next 10 years. Due to the steep hillside on the south side of Kansas City Street, public improvements will be on the northern side of the right-of-way. Public Works staff has worked with the applicant to create a 14 foot wide Utility Easement to be dedicated once the right-of-way is vacated for future public utilities and existing private utilities.</p>	

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