



# Rapid City Planning Commission

## Vacation of Right-of-Way Project Report

### August 23, 2018

<b>Item #3</b>
<b>Applicant Request(s)</b>
Case #18VR003 – Vacation of Right-of-Way
Companion Case(s) N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends that the Vacation of Right-of-Way be approved.

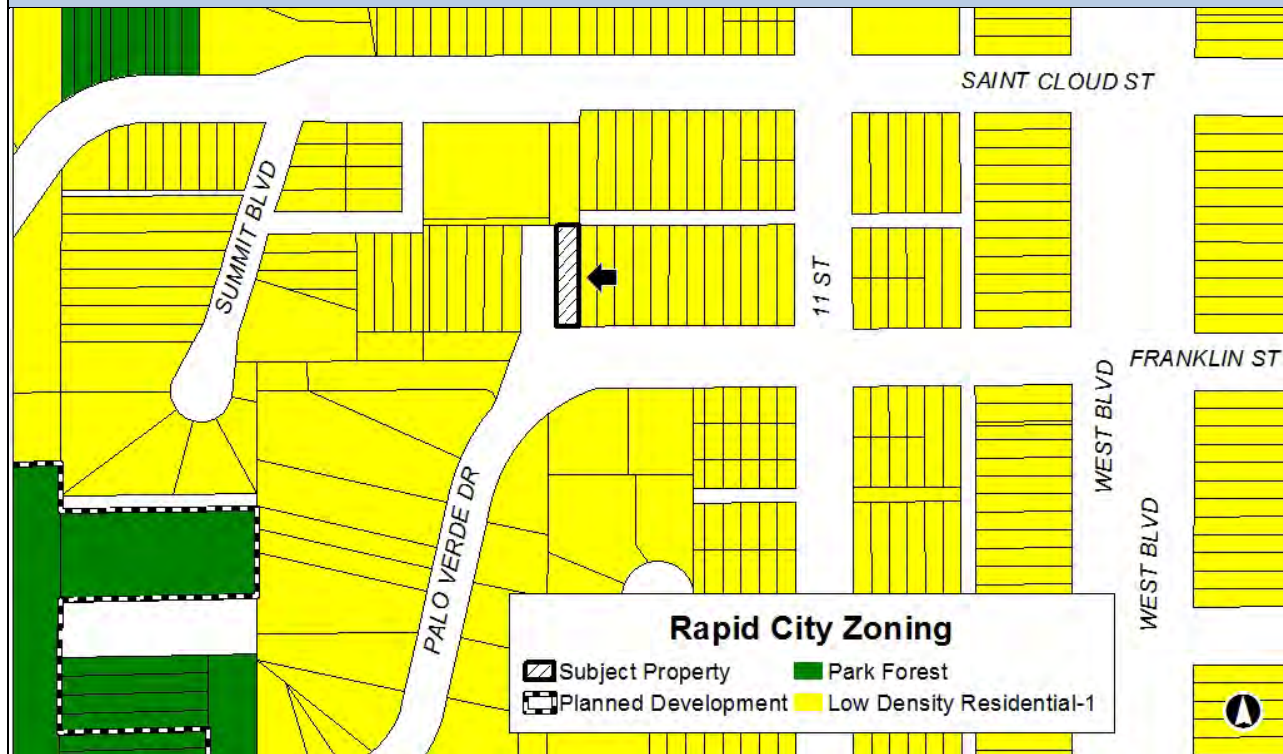
<b>Project Summary Brief</b>	
<p>The applicant has submitted a Vacation of Right-of-Way application for a portion of 12<sup>th</sup> Street right-of-way located on the north side of Franklin Street approximately 350 feet west of the intersection of Franklin Street and 11<sup>th</sup> Street. The proposed 12<sup>th</sup> Street right-of-way to be vacated is 30 feet in width and approximately 4,200 square feet in size. Twelfth Street is not currently constructed in this area and 12<sup>th</sup> Street right-of-way has also been vacated north of the subject area. The applicant has indicated that the proposed Vacation of Right-of-Way request is to allow yard space that can be fenced. The rear yard to the north of the dwelling has steep slopes and does not function as yard space.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Eugene Bolton Family Trust / Laveen Bolton	Planner: Fletcher Lacock
Property Owner: City of Rapid City	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: KTM Design Solutions, Inc.	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	30-foot wide portion of 12 <sup>th</sup> Street right-of-way lying directly west of 1122 Franklin Street
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	West Boulevard Addition
Land Area	4,200 square feet
Existing Buildings	No structural development
Topography	Rises in elevation from north to south approximately 32 feet
Access	Franklin Street / Palo Verde Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	LDN	12 <sup>th</sup> Street right-of-way
Adjacent North	LDR	LDN	Single-family dwelling
Adjacent South	LDR	LDN	Single-family dwelling
Adjacent East	LDR	LDN	Single-family dwelling
Adjacent West	LDR	LDN	Single-family dwelling

**Zoning Map**

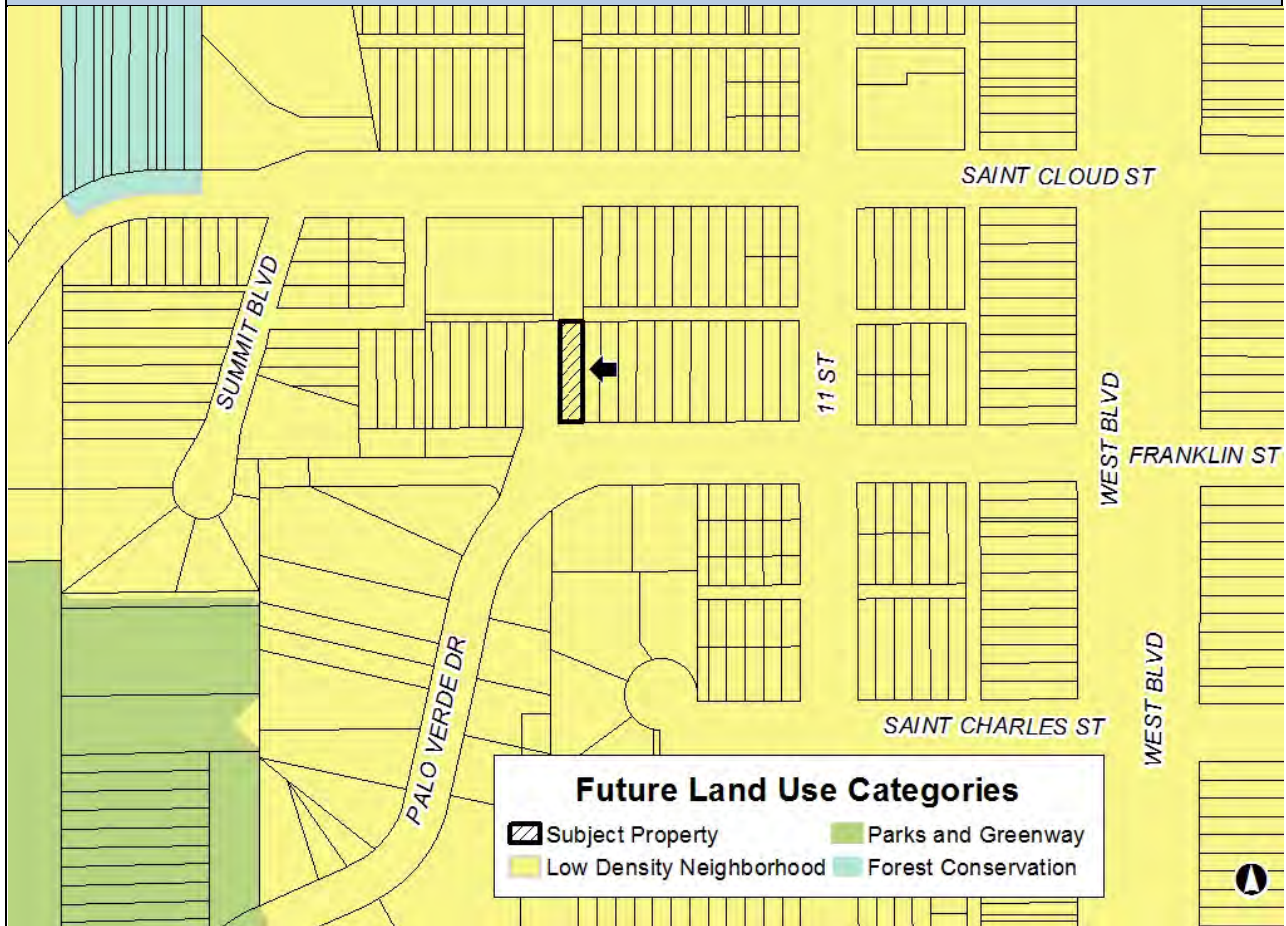


**Existing Land Uses**

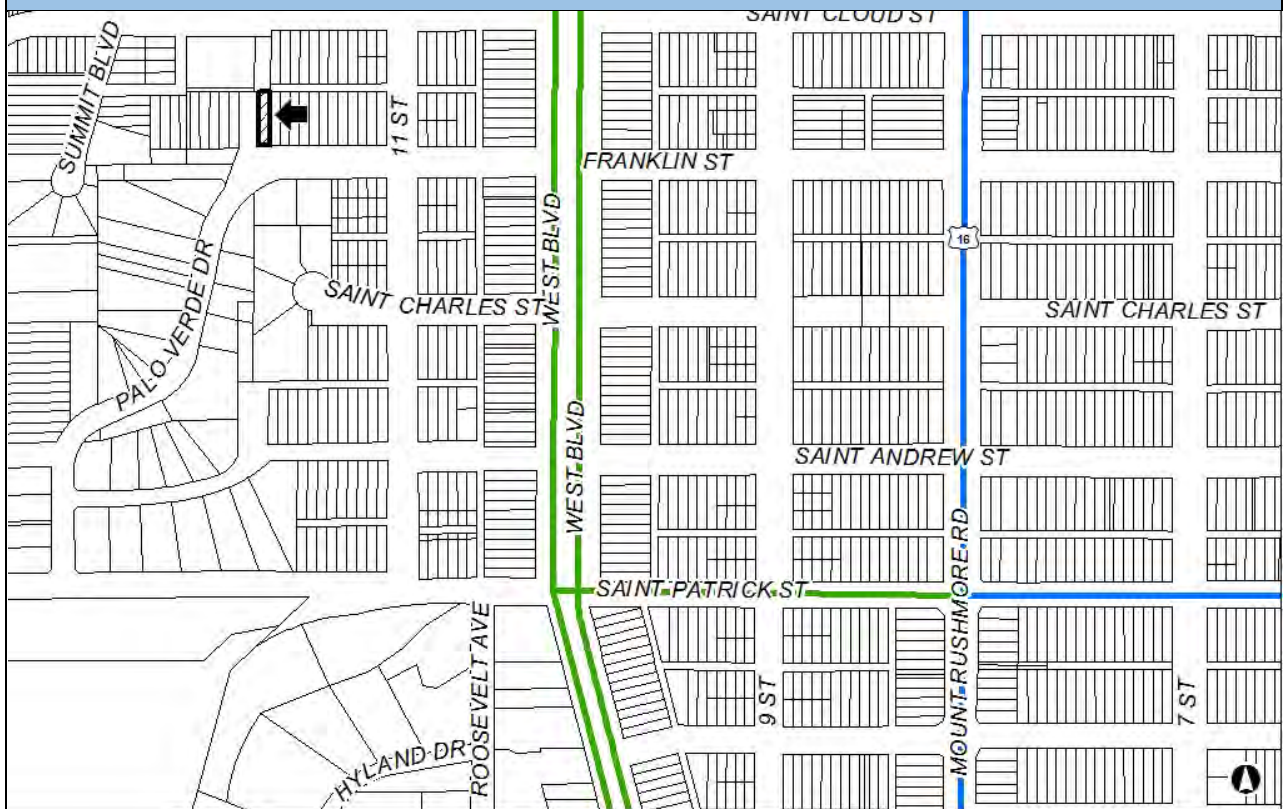




### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Low Density Residential District	Required	Proposed	
Lot Area	6,500 square feet	4,200 acres	
Lot Frontage	25 feet	Right-of-way width is 30 feet	
Maximum Building Heights	2½ stories or 35 feet	N/A	
Maximum Density	30%	N/A	
Minimum Building Setback:			
• Front	20 feet	N/A	
• Rear	25 feet	N/A	
• Side	8 feet	N/A	
• Street Side	20 feet	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.	This portion of 12 <sup>th</sup> Street is identified as a lane place street and is not currently constructed in the subject area. In addition, no public water or sewer mains are constructed in the right-of-way. Twelfth Street right-of-way is also vacated north of the subject area and eliminates any possibility of a connection between Franklin Street and Saint Cloud Street to the north.
2. The property interest being vacated is no longer necessary for City operations.	As noted above, 12 <sup>th</sup> Street is not constructed in the subject area and 12 <sup>th</sup> Street right-of-way to the north has previously been vacated. The right-of-way is no longer necessary for City operations.
3. The land to be vacated is no longer necessary for the public use and convenience.	There are no plans to construct 12 <sup>th</sup> Street in this area or to extend public water or sewer mains.
4. The vacation will not create any landlocked properties.	Twelfth Street right-of-way is used by the property to the west as access. The applicant is proposing to vacate the east 30 feet of right-of-way adjacent to 1122 Franklin Street. The remaining right-of-way width of 50 feet ensures that the property to the west maintains access to Franklin Street.
5. The vacation will not render access to any parcel unreasonable.	The property to the west uses the west portion of 12 <sup>th</sup> Street right-of-way for access. The applicant is proposing to vacate a portion of 12 <sup>th</sup> Street right-of-way measuring 30 feet in width. The remaining right-of-way will measure 50 feet wide and will continue to provide access to the adjacent property.
6. The vacation will not reduce the quality of public services to	The proposed vacation will not reduce the quality of public services to any adjacent properties. The utility companies

any parcel of land.	have indicated concurrence with the proposed Vacation of Right-of-Way. The applicant should be aware that a fence 4-feet in height will be allowed along the property line. A fence 6-feet in height must be setback 10 feet from the property line adjacent to 12 <sup>th</sup> Street right-of-way.
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**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>
	N/A
	<b>A Vibrant, Livable Community</b>
	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> This portion of 12 <sup>th</sup> Street is identified as a lane place street requiring 50-feet of right-of-way. The remaining right-of-way width will be 50-feet. Twelfth Street is not constructed in the area proposed to be vacated.
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> 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**

<b>Future Land Use Plan Designation(s):</b>	Low Density Neighborhood
<b>Design Standards:</b>	
N/A	Twelfth Street is not currently constructed in this area and would not provide access to the north as 12 <sup>th</sup> Street right-of-way has also been vacated directly to the north. The west 50-feet of 12 <sup>th</sup> Street right-of-way will remain.

**Comprehensive Plan Conformance – Neighborhood Area Policies Chapter**

<b>Neighborhood:</b>	Downtown / Skyline Drive Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
N/A	This section of the Downtown / Skyline Drive Neighborhood Area is developed with single-family dwellings on rough terrain. The applicant is proposing to vacate the portion of 12 <sup>th</sup> Street right-of-way to provide additional usable yard area.

**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. Twelfth Street is not currently constructed in this area and has been vacated to the north removing the possibility of 12<sup>th</sup> Street connecting to Saint Cloud Street. No public sewer or water mains are located in this right-of-way. The utility companies have indicated concurrence with the proposed Vacation of Right-of-Way request. This portion of 12<sup>th</sup> Street is identified as a lane place street requiring 50-feet of right-of-way. The proposed Vacation of Right-of-Way request will maintain a 50-foot wide portion of 12<sup>th</sup> Street right-of-way which is used by the property to the west for access.

**Planning Commission Recommendation and Stipulations of Approval**

Staff recommends that the Vacation of Right-of-Way be approved.