



# Rapid City Planning Commission

## Vacation of Right-of-Way Project Report

### April 21, 2016

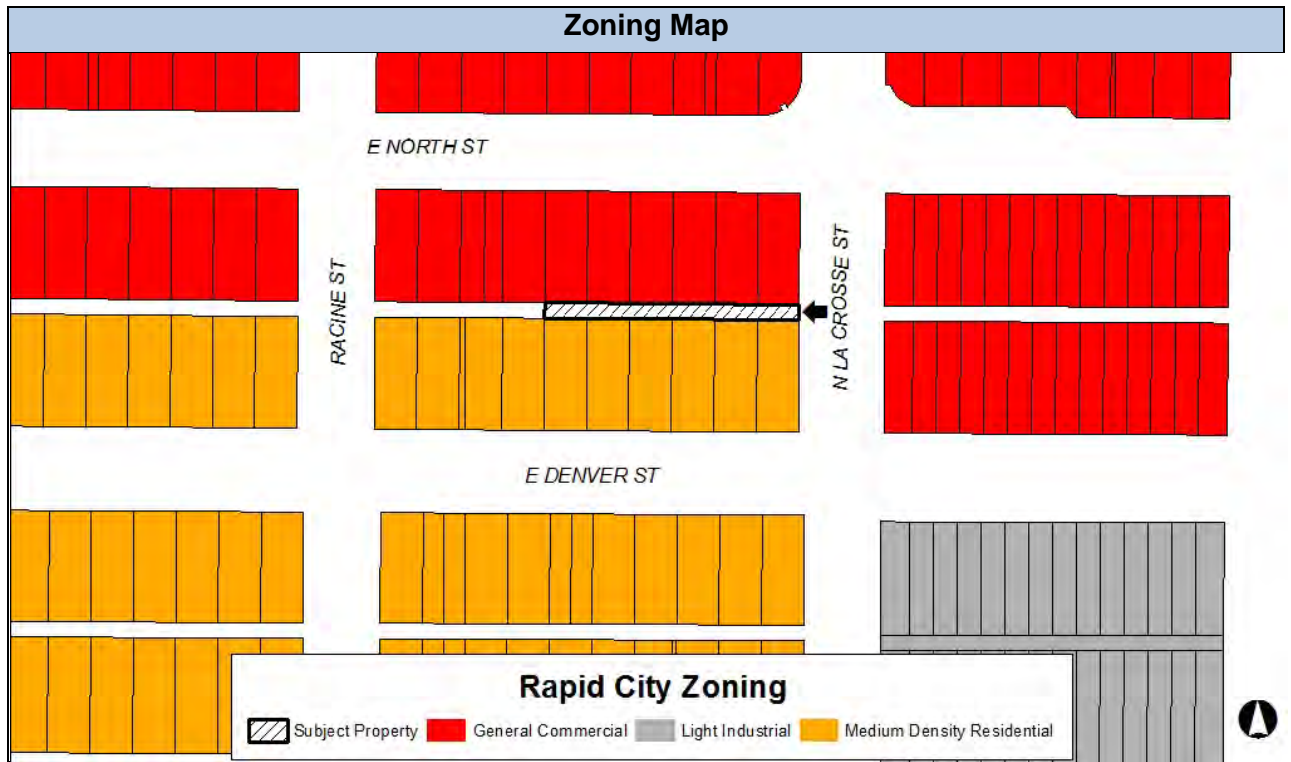
<b>Item 5</b>	
<b>Applicant Request(s)</b>	
Case #16VR002	Vacation of Right-of-Way for a portion of an alley right-of-way
Companion Case File #16PD015	Final Planned Development to allow a convenience store with gas sales.
Companion Case File #16RZ008	A request to rezone property from Medium Density Residential District to General Commercial District

<b>Development Review Team Recommendation(s)</b>
<b>The Development Review Team recommends that the Vacation of Right-of-Way request be approved with the stipulation noted below.</b>

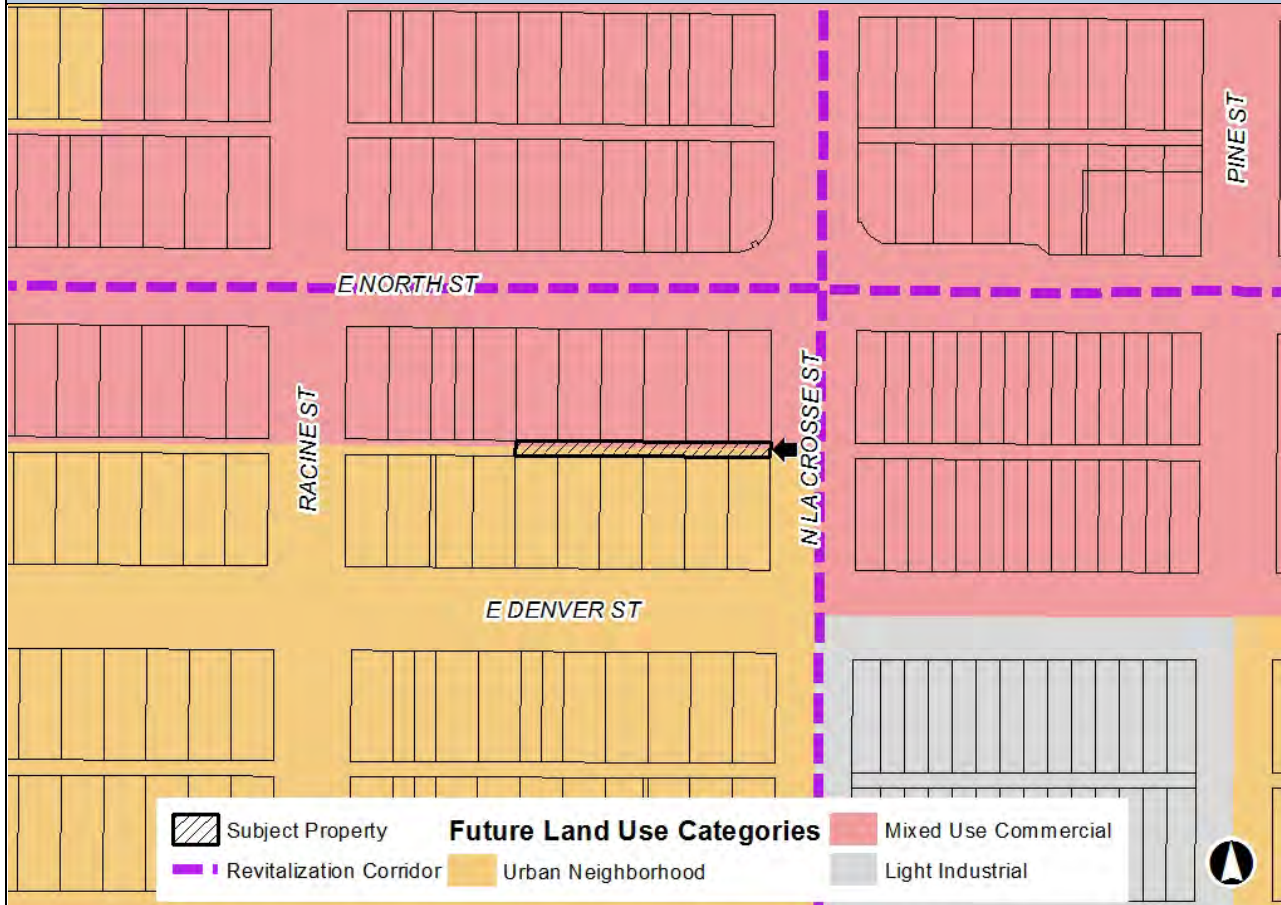
<b>Project Summary Brief</b>	
<p>The applicant has submitted this Vacation of Right-of-Way application for a portion of the alleyway located adjacent to the west of La Crosse Street, between East North Street and East Denver Street. The applicant has submitted an associated Final Planned Development (File #16PD015) for a proposed Mavericks convenience store. In addition, the applicant has submitted a request to rezone portions of the property located south of the existing alleyway from Medium Density Residential District to General Commercial District (File #16RZ008). This requested Vacation of Right-of-Way will allow the existing portions of alley to be developed as a part of the associated Final Planned Development request.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Maverik, Inc.	Planner: Robert Laroco
Property Owner: SBP, LLC; DLM Real Estate Holdings, LLC	Engineer: Ted Johnson
Architect: JZW Architects	Fire District: Tim Behlings
Engineer: Reeve & Associates, Inc.	School District: Kumar Veluswamy
Surveyor: Reeve & Associates, Inc.	Water/Sewer: Ted Johnson
Other:	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	West of La Crosse Street, between East North Street and East Denver Street
Neighborhood	North Rapid Neighborhood
Subdivision	Schnasse Addition
Land Area	0.097 acres, approximately 4,224 sq ft
Existing Buildings	No structural development
Topography	Generally level, with adjacent properties sloping downhill from north to south
Access	La Crosse Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	N/A

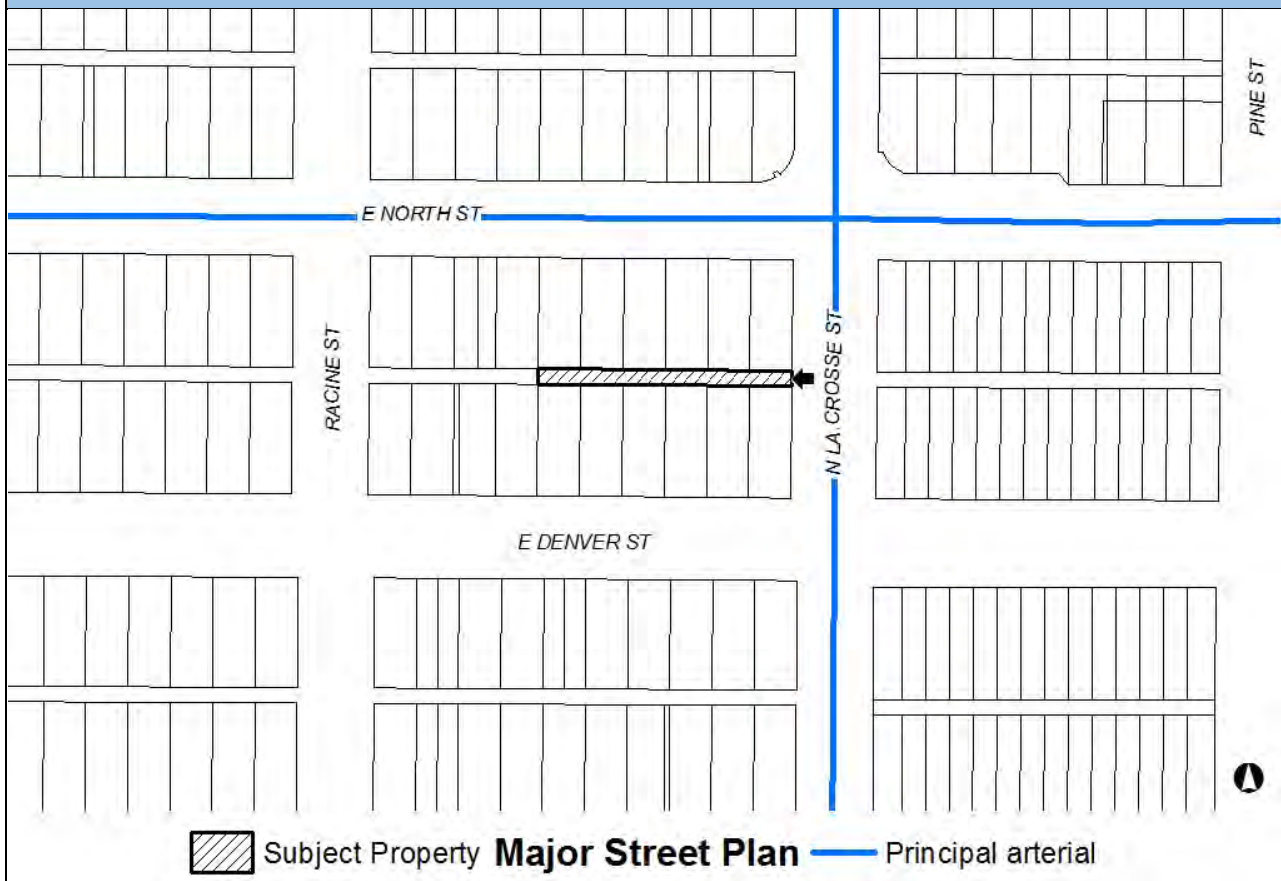
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	MUC, Revitalization corridor	Alley right-of-way
Adjacent North	GC	MUC, Revitalization corridor	Existing hotel
Adjacent South	MDR	UN	Existing hotel
Adjacent East	GC	MUC	Mixed commercial and light industrial
Adjacent West	GC, MDR	MUC, UN, Revitalization corridor	Mixed commercial and residential



### 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	0.097 ac, approximately 4,224 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 removes maintenance and liability risk for a portion of the existing alley right-of-way located west of La Crosse Street between East North Street and East Denver Street.
2. The property interest being vacated is no longer necessary for City operations.	The requested Vacation is for a portion of alleyway which the applicant is proposing to become a part of the development of a convenience store. Public Works staff has noted that utilities are currently located within the alley. The applicant is proposing to retain a utility and access easement as a part of this vacation request. Prior to City Council approval, a revised public access 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 Final Planned Development shows that these portions of the alley right-of-way will be a part of the overall development of the proposed convenience store. The western portions of the alleyway will still be accessible from the alley entrance on Racine Street and access is not intended to be restricted through this proposed development. In addition, there are utilities, including City sewer services, located within the alleyway. As such, a public access and utility easement must be secured as a part of the Vacation.
4. The vacation will not create any landlocked properties.	The requested Vacation does not create any landlocked properties.

5. The vacation will not render access to any parcel inaccessible.	The requested Vacation does not render any parcels inaccessible.
6. The vacation will not reduce the quality of public services to any parcel of land.	The required access and utility easement will ensure that the quality of public services as well as access and circulation throughout the block 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**

	<b>A Balanced Pattern of Growth</b>
N/A	N/A
	<b>A Vibrant, Livable Community</b>
N/A	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-1.2A	<u>Asset Management</u> : The proposed Vacation request is for an unpaved portion of alleyway bisecting property proposed for redevelopment. Ultimately the existing alleyway is unnecessary and redevelopment of the alley as a part of the proposed redevelopment on adjacent properties will result in a more efficient and effective allocation of infrastructure related assets.
	<b>Economic Stability and Growth</b>
N/A	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
N/A	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<u>Public Input Opportunities</u> : The requested Vacation 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 requested 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>	<b>Mixed Use Commercial, Urban Neighborhood, Revitalization corridor</b>
<b>Design Standards:</b>	
GDP-MU10	Lot Consolidation: The applicant has indicated their intent to consolidate lots following the vacation of existing alleyway. This request will permit the vacated

alleyway to be incorporated into the anticipated future lot.
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<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>
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<b>Neighborhood:</b>	<b>North Rapid Neighborhood</b>
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<b>Neighborhood Goal/Policy:</b>
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NR-NA1.1A	<u>Reinvestment Area:</u> The proposed Vacation will facilitate the redevelopment of property at the intersection of two Principal Arterial Streets on the City’s Major Street Plan which are both identified Revitalization corridors.
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<b>Findings</b>
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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 alley right-of-way proposed for vacation will no longer be required upon approval and recording of the proposed public access and utility easement. Based on the associated Final Planned Development and Rezone requests which result in the redevelopment of adjacent properties, the Vacation of the alley is in the best interests of the City. The alleyway is not necessary to maintain City operations or for public use and will not decrease the accessibility of property in the vicinity.
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<b>Planning Commission Recommendation and Stipulations of Approval</b>
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Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:
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| 1. | Prior to City Council approval, revised Exhibits for the proposed alley vacation and public access and utility easement shall be submitted for recording; |
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