



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

April 21, 2016

Item #11	
Applicant Request(s)	
Case # 16VR003	Vacation of Right-of-Way for a portion of Calle Baja Street

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

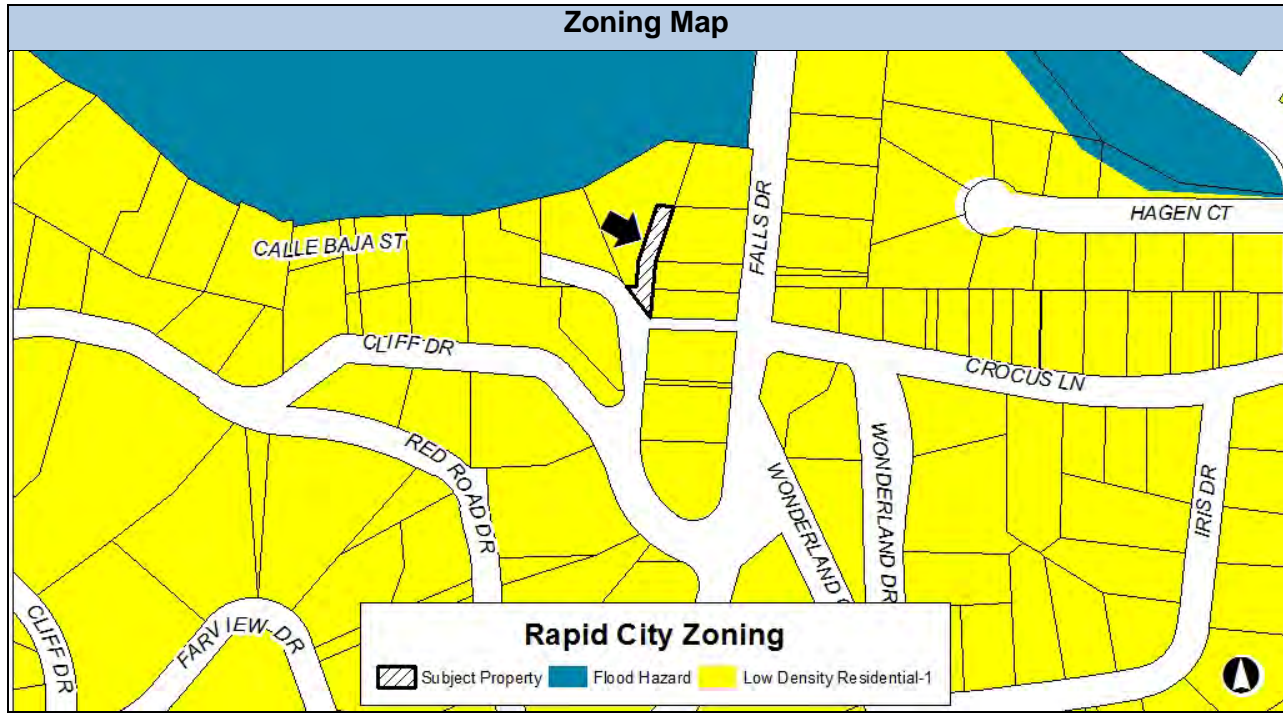
The applicant has submitted this Vacation of Right-of-Way application for a portion of the Calle Baja Street right-of-way. The portion of right-of-way extends north of the primary Calle Baja Street location and is currently utilized as the driveway for property located at 4018 Calle Baja Street. However, it appears a portion of the existing structure at 4018 Calle Baja is located within the right-of-way. As a part of the proposed vacation, the applicant is proposing to dedicate a utility easement for an existing power line currently located in the right-of-way. During review of the request, staff noted that a non-conforming water service line for a neighboring property is located within those portions of the right-of-way proposed for vacation. Prior to Vacation of the right-of-way, the water service line location must be confirmed and an easement dedicated to maintain access to the line. Staff has contacted the neighboring property owners to inform them of the non-conforming service line and the requested vacation. To date, the neighboring property owners have not contacted City staff with questions or for additional information.

Applicant Information	Development Review Team Contacts
Applicant: Roger and Heidi Hanzlik	Planner: Robert Laroco
Property Owner: Roger and Heidi Hanzlik	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: Fisk Land Surveying & Consulting Engineers, Inc.	School District: Kumar Veluswamy
Surveyor: Fisk Land Surveying & Consulting Engineers, Inc.	Water/Sewer: Nicole Lecy
Other:	DOT: Stacy Bartlett

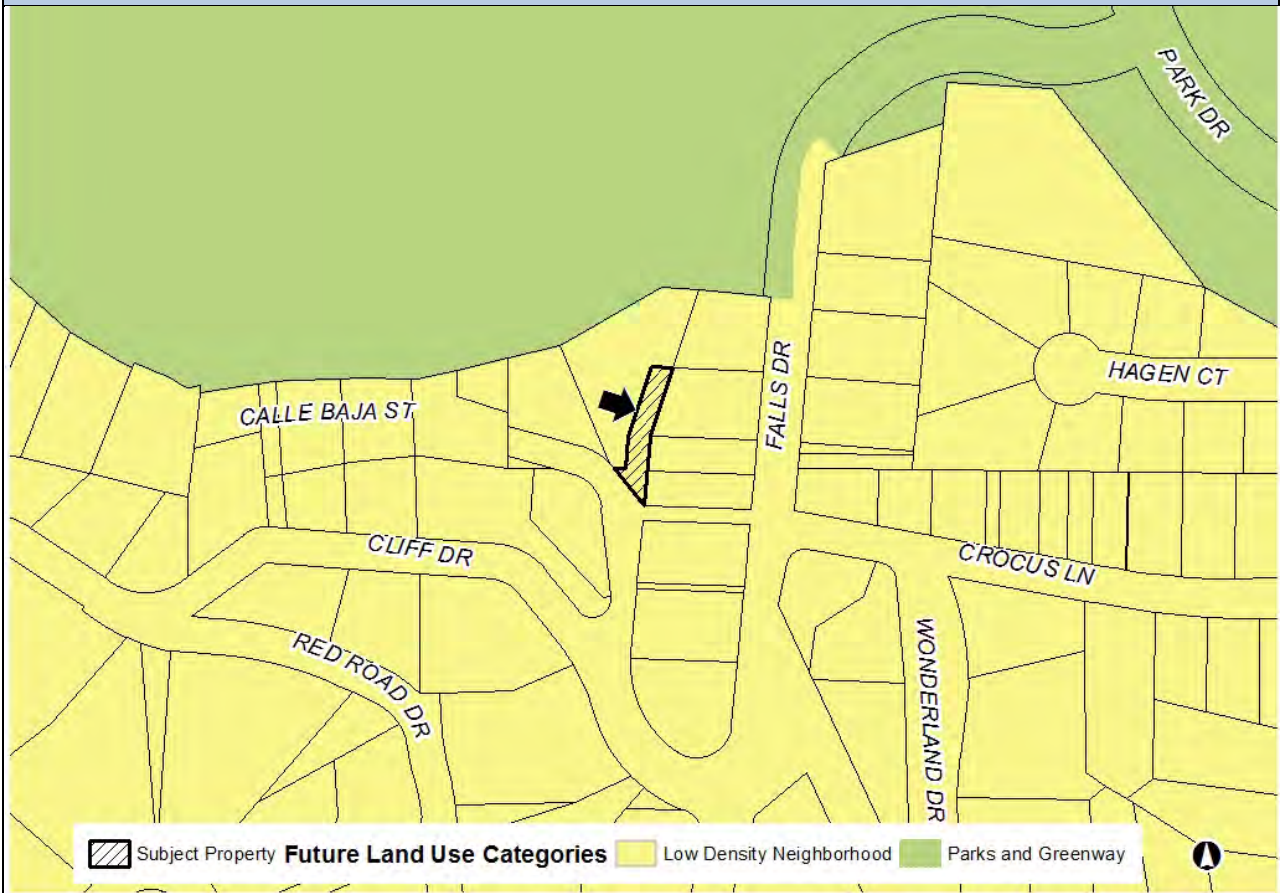
Subject Property Information	
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Address/Location	4018 Calle Baja Street, approximately 250 feet north of the intersection of Calle Baja Street and Cliff Drive
Neighborhood	Sheridan Lake Road Neighborhood
Subdivision	Canyon Lake Heights Subdivision
Land Area	
Existing Buildings	N/A, Calle Baja Street is adjacent to single family residences
Topography	Sloping uphill slightly from north to south
Access	Cliff Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	N/A

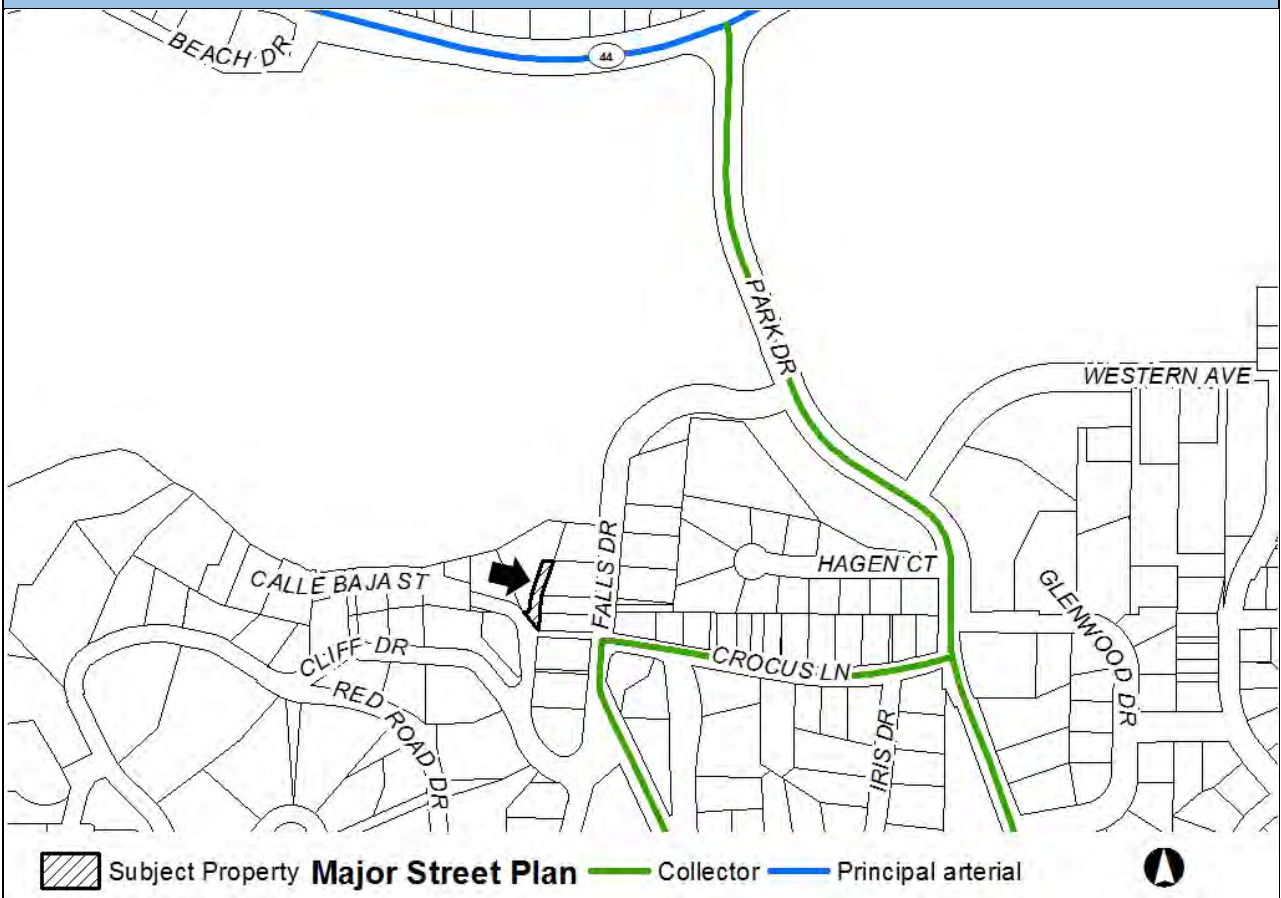
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	LDN	Calle Baja Street right-of-way
Adjacent North	LDR	LDN	Single family residences
Adjacent South	LDR	LDN	Single family residences
Adjacent East	LDR	LDN	Single family residences
Adjacent West	LDR	LDN	Single family residences



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	5,434 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 a portion of the existing Calle Baja Street.
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 Calle Baja Street which currently serves as access for a single property. The vacation of the right-of-way will still retain access to Calle Baja Street. The applicant is proposing a 15-foot-wide utility easement for the existing private utilities. In addition, prior to City Council approval, the location of the existing water line must be confirmed and an easement must be dedicated to allow access to the water service line for the property located at 4022 Calle Baja Street.
3. The land to be vacated is no longer necessary for the public use and convenience.	As previously noted, the portion of right-of-way to be vacated only serve as access for 4018 Calle Baja Street. The right-of-way is not necessary for public use and convenience. However, prior to Vacation of the right-of-way, the applicant must enter into a hold harmless agreement for the existing non-conforming water services which indemnifies and holds the City harmless from all claims related to the non-conforming line, and provide consent to a future assessed project to construct a public main to the property and provide conforming services.
4. The vacation will not create any landlocked properties.	The requested Vacation of right-of-Way does not create any landlocked properties.
5. The vacation will not render access to any parcel	The requested Vacation of Right-of-Way does not render any parcel inaccessible.

inaccessible.	
6. The vacation will not reduce the quality of public services to any parcel of land.	The applicant has proposed a 15-foot-wide utility easement to be located along eastern portions of the existing Calle Baja Street right-of-way in order to accommodate an existing private utility line. In addition, the location of the water service line for 4018 and 4022 Calle Baja Street must be confirmed and an easement dedicated to allow the service line to remain. Upon the dedication of all necessary easements, the Vacation of Right-of-Way will not reduce the quality of public services to any parcel of land.

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 of Right-of-Way request is for a portion of right-of-way which currently serves as access for a single property. Ultimately the existing portion of right-of-way is unnecessary and all adjacent properties have been developed. The vacation of this right-of-way will contribute to a more effective and efficient management of City infrastructure.
	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 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 of Right-of-Way petition.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Low Density Neighborhood
Design Standards:	
N/A	N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Sheridan Lake Road Neighborhood
Neighborhood Goal/Policy:	
N/A	N/A

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 portion of Calle Baja Street proposed for vacation will no longer be required upon approval and recording of the necessary easements and the hold harmless agreement. Based on the limited use of the right-of-way and the existing encroaching home, the Calle Baja Street right-of-way is not necessary to maintain City operations or for public use and will not decrease the accessibility of property in the vicinity.</p>

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Vacation of Right-of-Way be approved with the following stipulations:	
1.	Prior to City Council approval, the location of the existing water service lines for 4018 and 4022 Calle Baja Street shall be confirmed and an easement submitted for recording to secure access to the water service lines;
2.	Prior to City Council approval, the applicant shall enter into a Hold Harmless Agreement indemnifying the City from all claims related to the non-conforming service lines and providing consent to a future assessed project to construct public mains to the property to provide conforming services;