



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

May 26, 2016

Item # 9	
Applicant Request(s)	
Case # 16VR005	Vacation of Right-of-Way for a portion of Pinedale Circle

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

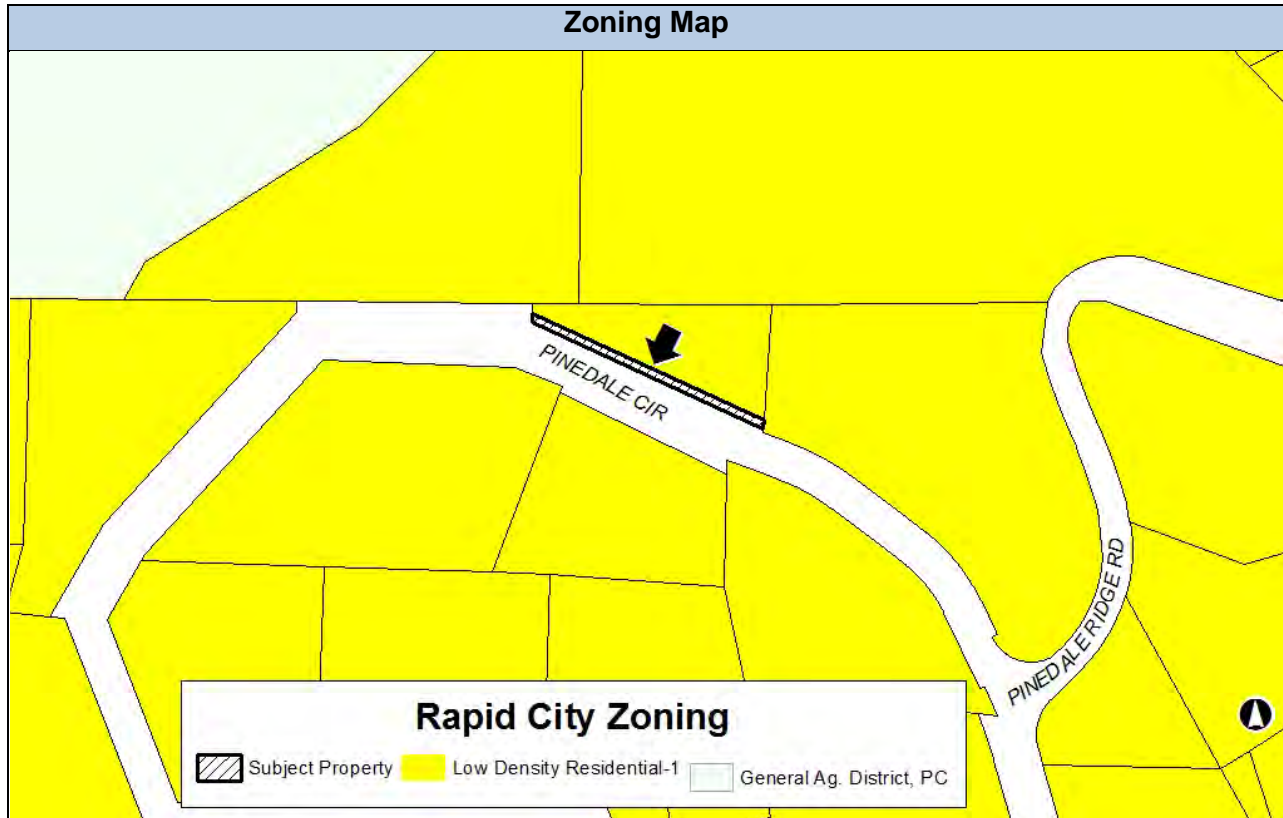
The applicant has submitted a Vacation of Right-of-Way request to vacate a 10 foot wide portion of Pinedale Circle as it abuts Lot 50 Revised, Pinedale Heights Subdivision. Pinedale Circle is classified as a local street as per the Infrastructure Design Criteria Manual requiring that it be located in a minimum 52 foot wide right-of-way. As a result of replatting the applicant's property and the lot on the south side of the street, additional right-of-way was secured resulting in a varying right-of-way width along this section of Pinedale Circle from 53 feet to 66 feet. Currently, there is a single family residence and a shed located on Lot 50 Revised. Vacating the right-of-way as proposed will increase the front and side yard of the abutting lot.

Applicant Information	Development Review Team Contacts
Applicant: Joel and Renee Landeen	Planner: Vicki L. Fisher
Property Owner: Joel and Renee Landeen	Engineer: Ted Johnson
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: Ted Johnson
Other:	DOT: Stacy Bartlett

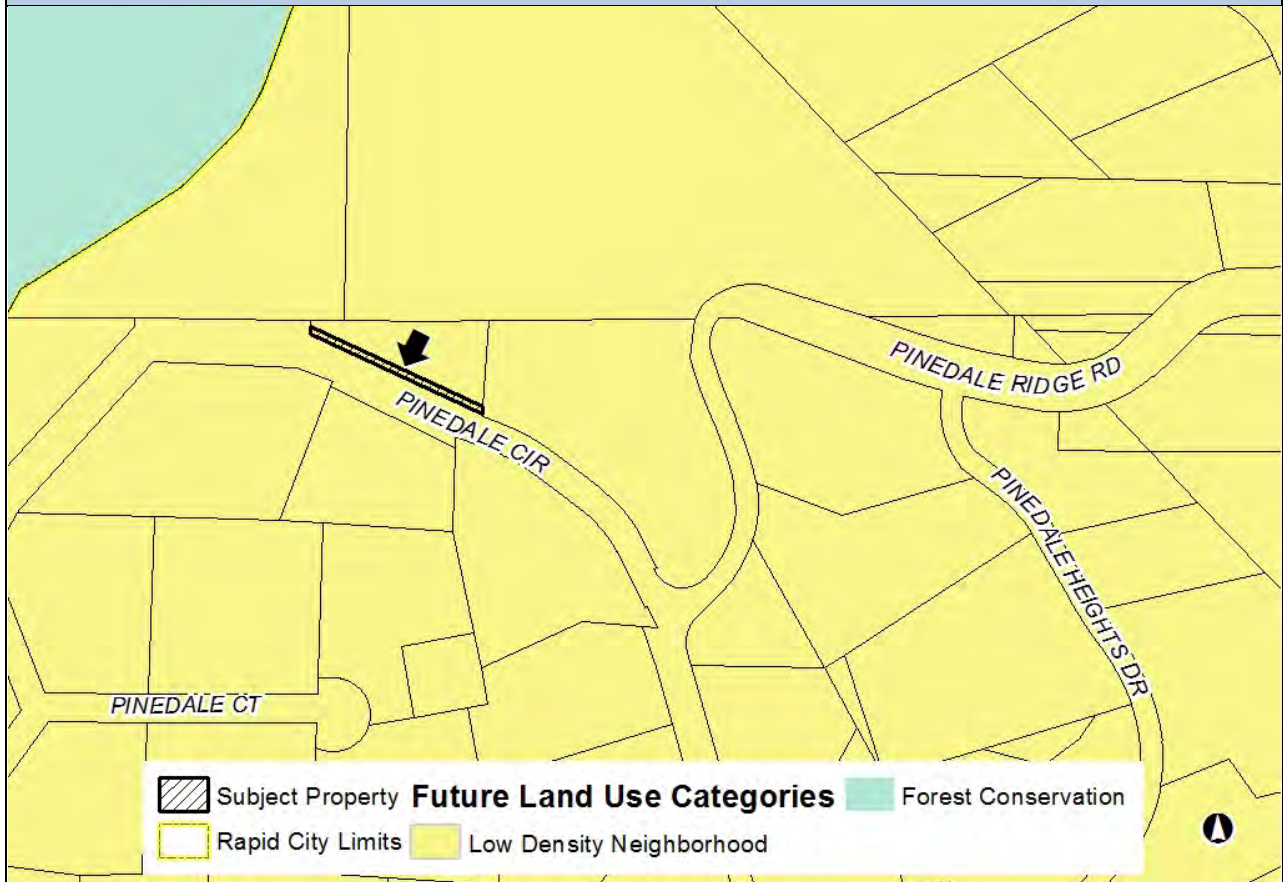
Subject Property Information	
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Address/Location	5280 Pinedale Circle, approximately 365 feet north of the intersection of Pinedale Circle and Pinedale Ridge Road
Neighborhood	Nemo Road Neighborhood
Subdivision	Pinedale Heights Subdivision
Land Area	0.5279 acres, 22,995.324 square feet
Existing Buildings	N/A, Pinedale Circle is adjacent to single family residences
Topography	The right-of-way is fairly level with Lot 50 Revised sloping downhill along the northern portion of the property
Access	Pinedale Ridge Road
Water Provider	Private well
Sewer Provider	Private on-site wastewater system
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	Pinedale Circle 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	0.5279 acres or 22,995.324 square feet	
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 existing street is located in the remaining right-of-way requiring that the City continue to provide maintenance and maintain liability risks.
2. The property interest being vacated is no longer necessary for City operations.	As previously noted, Pinedale Circle is classified as a local street requiring that it be located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Pinedale Circle is located in a varying right-of-way width as it abuts Lot 50 Revised from 53 feet to 66 feet. As a result of replatting lots adjacent to this section of Pinedale Circle, additional right-of-way was obtained resulting in the varying right-of-way width as noted. To date, none of the right-of-way from the northern 33 feet, which is half of the previously dedicated 66 feet of right-of-way, has been vacated as it abuts the property. Securing a minimum of 52 feet of right-of-way for Pinedale Circle allows for 14 feet of right-of-way to be vacated, or 7 feet along each side of the street. Since none of the right-of-way from the northern 33 feet has been vacated, staff can support vacating 7 feet along Lot 50 Revised in lieu of the requested 10 feet. The existing street is located in the remaining right-of-way.
3. The land to be vacated is no longer necessary for the public use and convenience.	As previously noted, the existing street is located in the remaining right-of-way and is constructed with an approximate 24 foot wide paved surface. To date, curb, gutter, sidewalk, street light conduit, water and sewer have

	not been constructed along Pinedale Circle. In order to ensure that sufficient right-of-way exists for any future street improvements, the applicant has indicated that they will enter into an agreement with the City to dedicate this area back as an H Lot if it is determined by the City that it is needed for street improvements.
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 inaccessible.	The requested Vacation of Right-of-Way does not render any parcel inaccessible.
6. The vacation will not reduce the quality of public services to any parcel of land.	Sufficient right-of-way is being retained to insure that the quality of public services to the adjacent lots is not reduced.

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 to a single family residential development. The existing street is located in the remaining right-of-way and all of the adjacent lots 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.
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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
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 existing street is located in the remaining right-of-way. In addition, the applicant has agreed to enter into an agreement with the City to dedicate the area being vacated as an H Lot if determined by the City that it is needed for street improvements. Vacating the 7 feet of right-of-way as it abuts Lot 50 Revised will not create any landlocked parcels.

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 Exhibit shall be revised to show the vacation of 7 feet of right-of-way in lieu of 10 feet; and,
2.	Prior to City Council approval, the applicant shall enter into an agreement with the City to dedicate the area being vacated as an H Lot if determined by the City that it is needed for street improvements.