Rapid City Planning Commission
Vacation of Right-of-Way Project Report
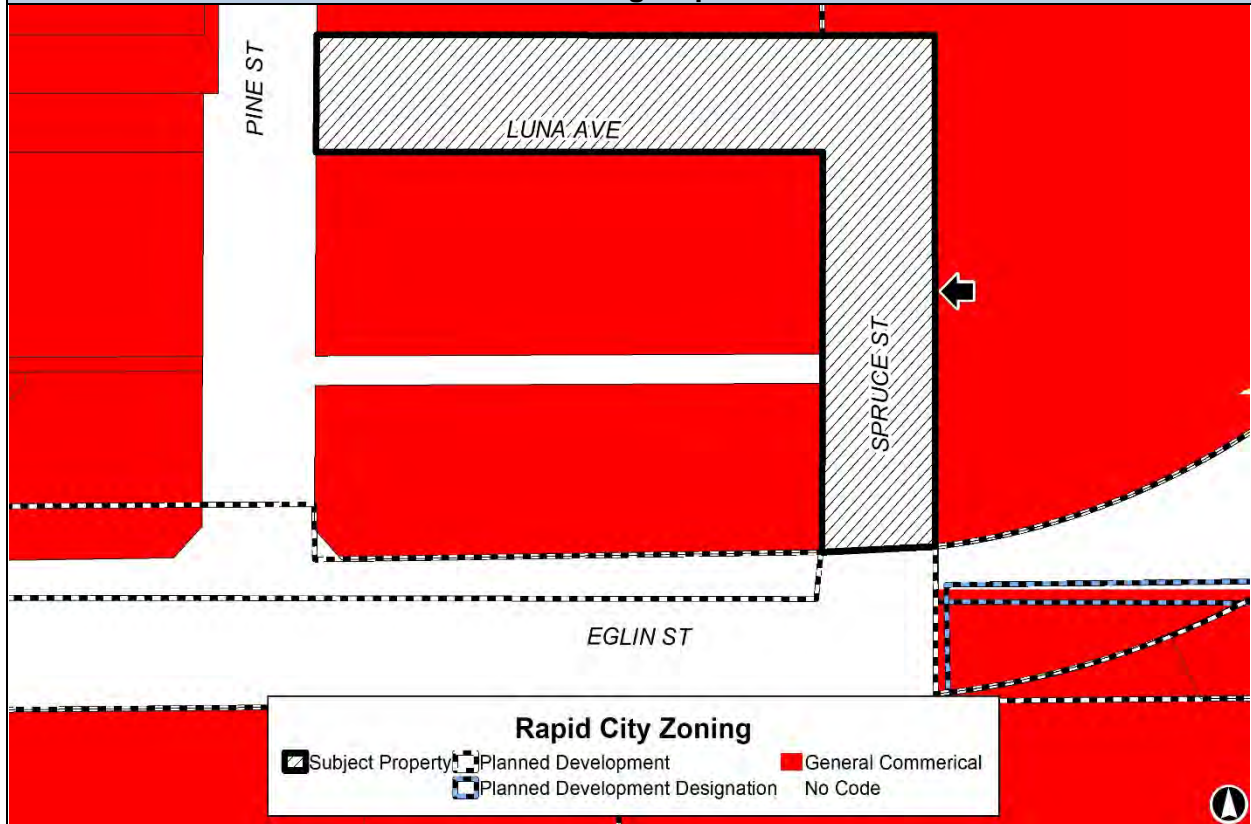### March 24, 2022

	Item #7
Applicant Request(s)	
Case #22VR001 – Vacation of Right-of-Way	
Companion Case(s) #22VR002	
Development Review Team Recommendation(s)	
Staff recommends approval of the Vacation of Right-of-Way.	
Project Summary Brief	
The applicant has submitted an application to vacate the Luna Avenue right-of-way and the Spruce Street right-of-way located northeast of the intersection of Eglin Street and Pine Street. All adjacent properties currently have access from alternative streets. In addition, the right-of-way is not needed as a utility or drainage corridor. As such, vacating the right-of-way will not adversely impact the neighborhood.	

Applicant Information	**Development Review Team Contacts**
Applicant: Shiny & Dry Rapid City Eglin, LLC	Planner: Kip Harrington
Property Owner: Shiny & Dry Rapid City Eglin, LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Tim Behlings
Engineer: Renner Associates, LLC	School District: Kumar Veluswamy
Surveyor: N/A.	Water/Sewer: Emily Fisher
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Northeast of the intersection of Eglin Street and Pine Street
Neighborhood	North Rapid Neighborhood Area
Subdivision	Section 30, T2N, R8E, BHM, Rapid City, Pennington Co., SD
Land Area	1.30 Acres
Existing Buildings	Void of Structural development
Topography	Rises in elevation from east to west approximately 14 feet
Access	Eglin Street and Pine Street
Water Provider	City of Rapid City
Sewer Provider	City of Rapid City
Electric/Gas Provider	Black Hills Energy/MDU
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	ROW	MUC	ROW
Adjacent North	GC	MUC	Vacant
Adjacent South	GC w/PDD	MUC	Hotel
Adjacent East	GC w/PDD	MUC	Vacant
Adjacent West	GC	MUC	Hotel

Zoning Map

Rapid City Zoning

Subject Property Planned Development General Commerical
Planned Development Designation No Code

Existing Land Uses

Comprehensive Plan Future Land Use

Future Land Use Categories

▨ Subject Property ▮ Mixed Use Commercial
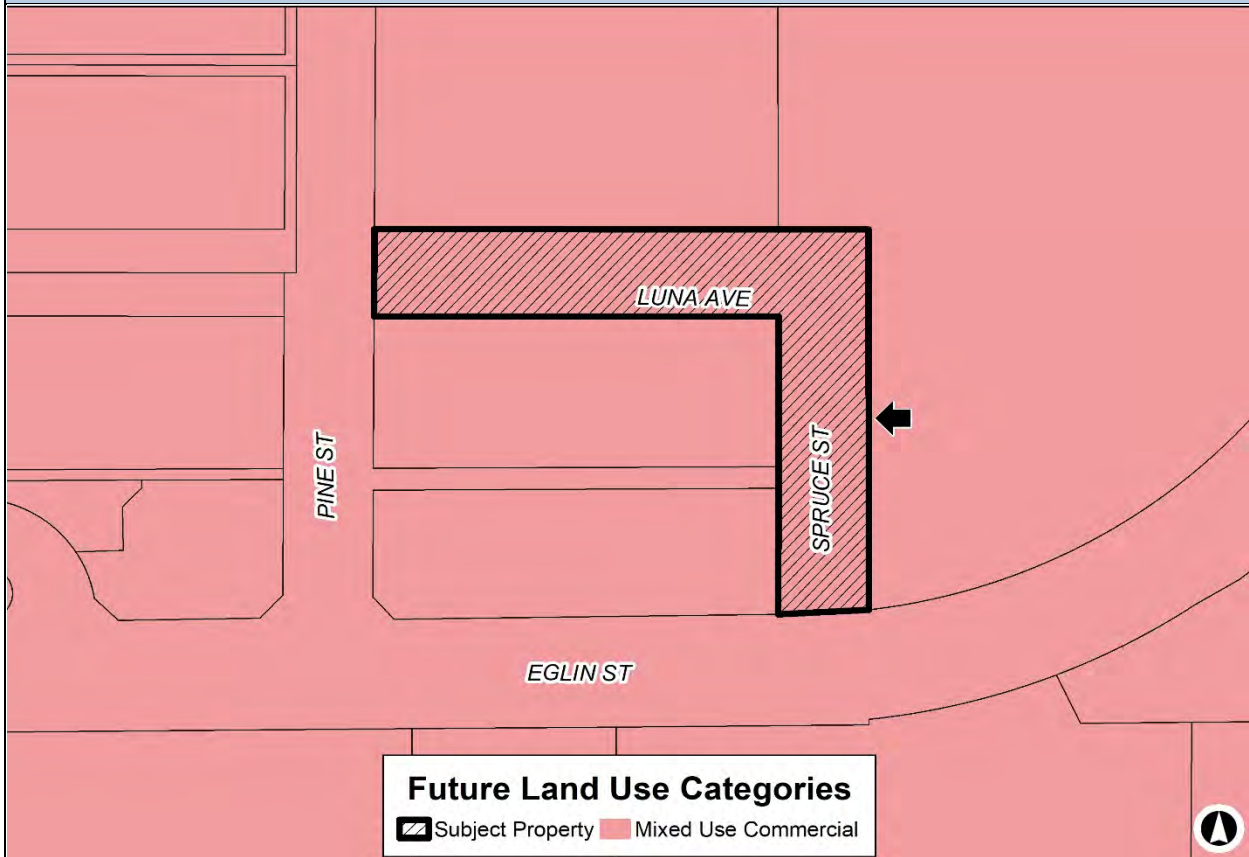
Parks or Transportation Plan

Major Street Plan

▨ Subject Property ▬ Minor arterial ▪▪▪ Proposed collector
▬ Collector ▬ Principal arterial ▪▪▪ Proposed minor arterial

Relevant Case History			
Case/File#	Date	Request	Action

Relevant Zoning District Regulations		
Low Density Residential	**Required**	**Proposed**
Lot Area	N/A	N/A
Lot Frontage	N/A	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 applicant is proposing to vacate an 80-foot wide portion of Luna Avenue right-of-way and an 80-foot wide portion of Spruce Street right-of-way northeast of the intersection of Eglin Street and Pine Street. All utility companies submitted written documentation noting concurrence with the vacation request. There do not appear to be any adverse impacts to neighboring property owners.
2. The property interest being vacated is no longer necessary for City operations.	Rapid City Public Works and Engineering has indicated that the right-of-way is not needed as a street, utility, or drainage corridor.
3. The land to be vacated is no longer necessary for the public use and convenience.	The property is currently undeveloped. The proposed Vacation of Right-of-Way will allow commercial development for use by the public.
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. The subject property and adjacent properties are all accessed via Eglin Street and Pine Street.
6. The vacation will not reduce the quality of public services to any parcel of land.	The proposed Vacation of Right-of-Way does not appear to impact the quality of public services to the subject property or surrounding neighborhood.

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**: The proposed Vacation of Right-of-Way will not impact the access or availability of services to the subject property or surrounding neighborhood due to sufficient right-of-way being maintained elsewhere.
	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:	
GDP-N1	Vacating the right-of-way will not prevent the adjacent properties to be developed in compliance with the underlying zoning or the City's Comprehensive Plan.
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	**North Rapid Neighborhood Area**
Neighborhood Goal/Policy:	
NR-NA1.1A	Support the ongoing development and expansion of the Rushmore Crossing Center.
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 applicant is proposing to vacate an 80-foot wide portion of Luna Avenue right-of-way and an 80-foot wide portion of Spruce Street right-of-way northeast of the intersection of Eglin Street and Pine Street. Public Works staff has indicated that the proposed vacation will not adversely impact access to the lot or reduce the quality of public services in the surrounding neighborhood. Additionally, all impacted utility companies have indicated their concurrence with the request. As such, staff recommends approval of the vacation request.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends approval of the Vacation of Right-of-Way.