



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

February 23, 2017

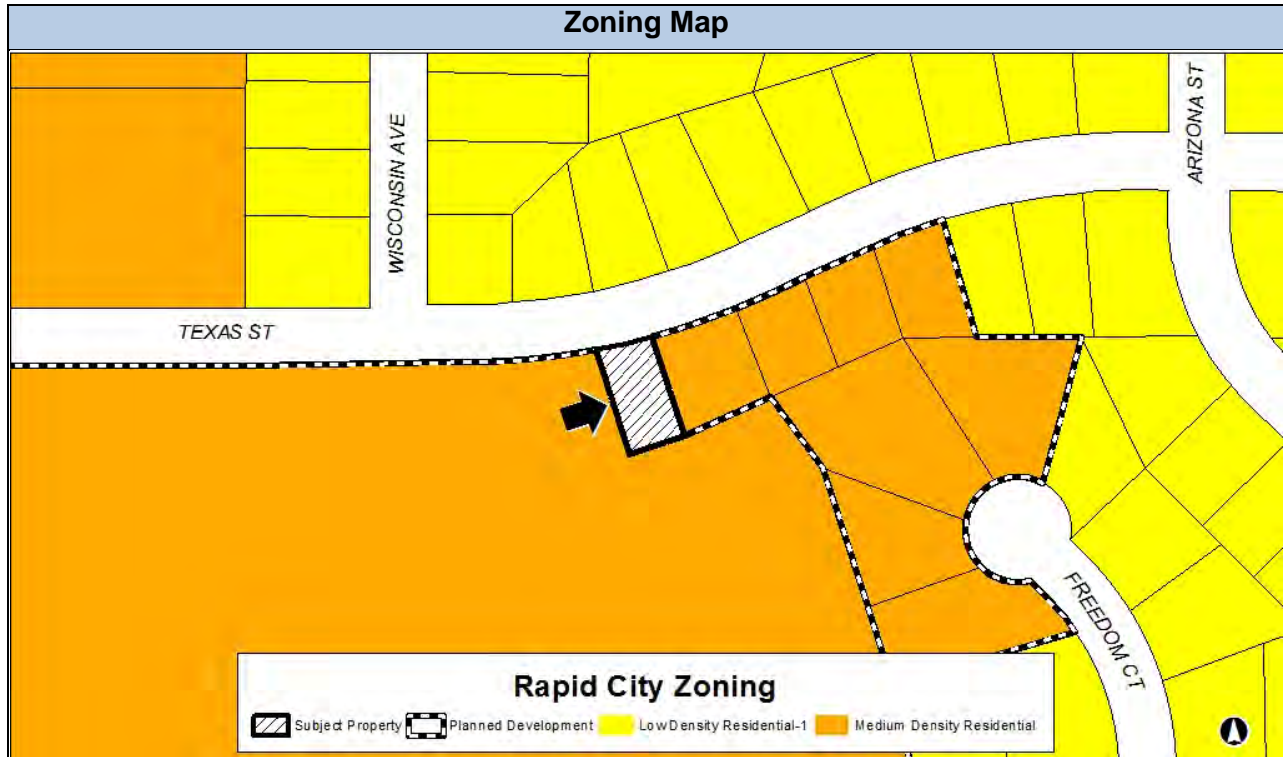
Item #4
Applicant Request(s)
Case # 17VR001 – Vacation of Right-of-Way
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of Right-of-Way be approved

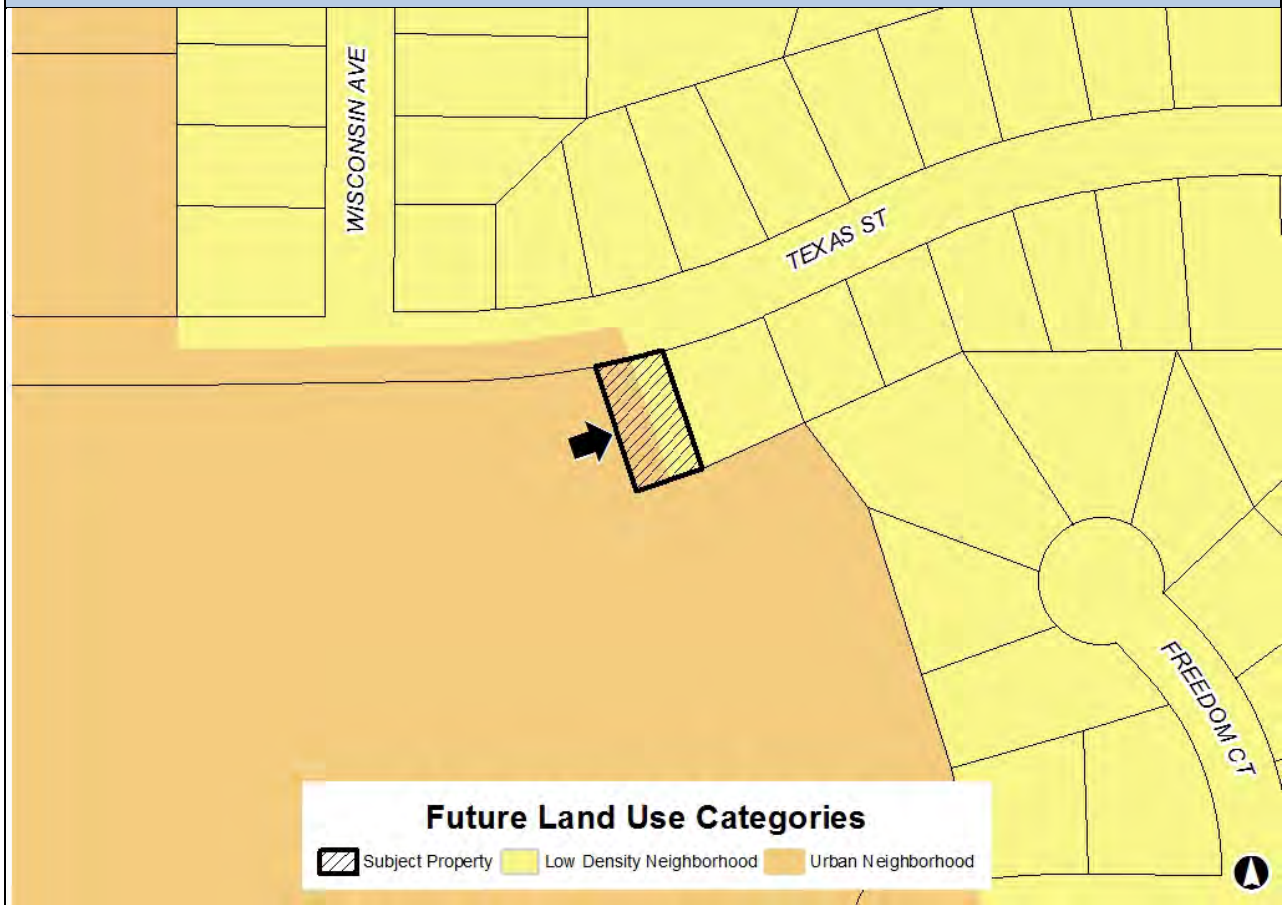
Project Summary Brief	
<p>The applicant has submitted a Vacation of Right-of-Way application for a portion of Wisconsin Avenue right-of-way located on the south side of Texas Street approximately 205 feet southeast of the intersection of Texas Street and Wisconsin Avenue as it extends to the north. The section of right-of-way is used as access to Westhills Village. Wisconsin Avenue does continue south of Westhills Village but does not extend through the property.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Presbyterian Retirement Village of Rapid City, Inc.	Planner: Fletcher Lacock
Property Owner: Presbyterian Retirement Village of Rapid City, Inc.	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Renner Associates, LLC	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Approximately 595 feet southwest of the intersection of Texas Street and Arizona Street
Neighborhood	South Robbinsdale
Subdivision	Robbinsdale #7
Land Area	Approximately 0.15 acres (6,534 square feet)
Existing Buildings	No structural development
Topography	Relatively flat
Access	Texas Street
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	UN and LDN	Wisconsin Avenue right-of-way
Adjacent North	LDR	LDN	Single-family dwellings
Adjacent South	MDR-PD	UN	Westhills Village
Adjacent East	MDR-PD	LDN	Westhills Village
Adjacent West	MDR-PD	UN	Westhills Village



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan










Relevant Case History			
Case/File#	Date	Request	Action
16PD061	1/26/2017	Final Planned Development Overlay to expand an assisted living facility	Planning Commission Approved
16PD037	08/25/2016	Final Planned Development Overlay to construct additional parking	Approved
16PD012	04/07/2016	Initial Planned Development Overlay to expand an assisted living facility	Approved
16RZ004	04/04/2016	Rezoning from Low Density Residential District to Medium Density Residential District	City Council approved
16RZ005	04/04/2016	Rezoning from Low Density Residential District to Medium Density Residential District	City Council approved
Relevant Zoning District Regulations			
Medium Density Residential District	Required	Proposed	
Lot Area	6,500 square feet	Approximately 6,534 square feet	
Lot Frontage	50 feet	Existing right-of-way width is approximately 60 feet	
Maximum Building Heights	3 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	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.	Public Works staff has indicated that there is an existing water main located in Texas Street adjacent to the portion of right-of-way to be vacated. There are no public utilities in the portion of right-of-way to be vacated. In addition, the utility companies have indicated concurrence with the proposed vacation of right-of-way. The portion of Wisconsin Avenue to be vacated is not contiguous with Wisconsin Avenue to the north or the south. In addition, the portion of Wisconsin Avenue serves as exclusive access to Westhills Village.
2. The property interest being vacated is no longer necessary for City operations.	As noted above, this portion of right-of-way is not contiguous with Wisconsin Avenue to the north or south and serves as exclusive access to Westhills Village. Public Works staff has indicated that no water or sewer mains are located in the right-of-way to be vacated.
3. The land to be vacated is no	As noted above, the right-of-way serves as access to

longer necessary for the public use and convenience.	Westhills Village and does not extend through the property to Wisconsin Avenue to the south.
4. The vacation will not create any landlocked properties.	The right-of-way exclusively serves as access to Westhills Village. The approved Final Planned Development Overlay (File #16PD061) to expand an assisted living facility identifies an approach and parking to be constructed in the area of the vacated right-of-way.
5. The vacation will not render access to any parcel unreasonable.	As noted above, access to the adjacent property will not be affected by the proposed Vacation of Right-of-Way request.
6. The vacation will not reduce the quality of public services to any parcel of land.	As noted above, the right-of-way serves as access to Westhills Village. Texas Street also serves as access to Westhills Village.

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: Public Works staff and Transportation Planning staff have indicated that the requested Vacation of Right-of-Way will have no impact on the transportation network.
	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):	Low Density Neighborhood and Urban Neighborhood
Design Standards:	
GDP-N2	Connectivity: Vacating this portion of Wisconsin Avenue right-of-way does not have an impact on neighborhood connectivity. The existing right-of-way is not contiguous with Wisconsin Avenue to the north or to the south of Westhills Village.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	South Robbinsdale
Neighborhood Goal/Policy:	
N/A	The portion of Wisconsin Avenue right-of-way serves as primary access to the expansion of the Westhills Village assisted living facility. The applicant is proposing to construct a new approach and parking in the area to be vacated.

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 portion of right-of-way to be vacated serves as access to Westhills Village. In addition, the right-of-way is not contiguous with Wisconsin Avenue to the north or to the south of Westhills Village.	

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Vacation of Right-of-Way be approved	