



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

March 9, 2017

Item 12
Applicant Request(s)
Case #17VR002, a request to vacate the March Avenue right-of-way

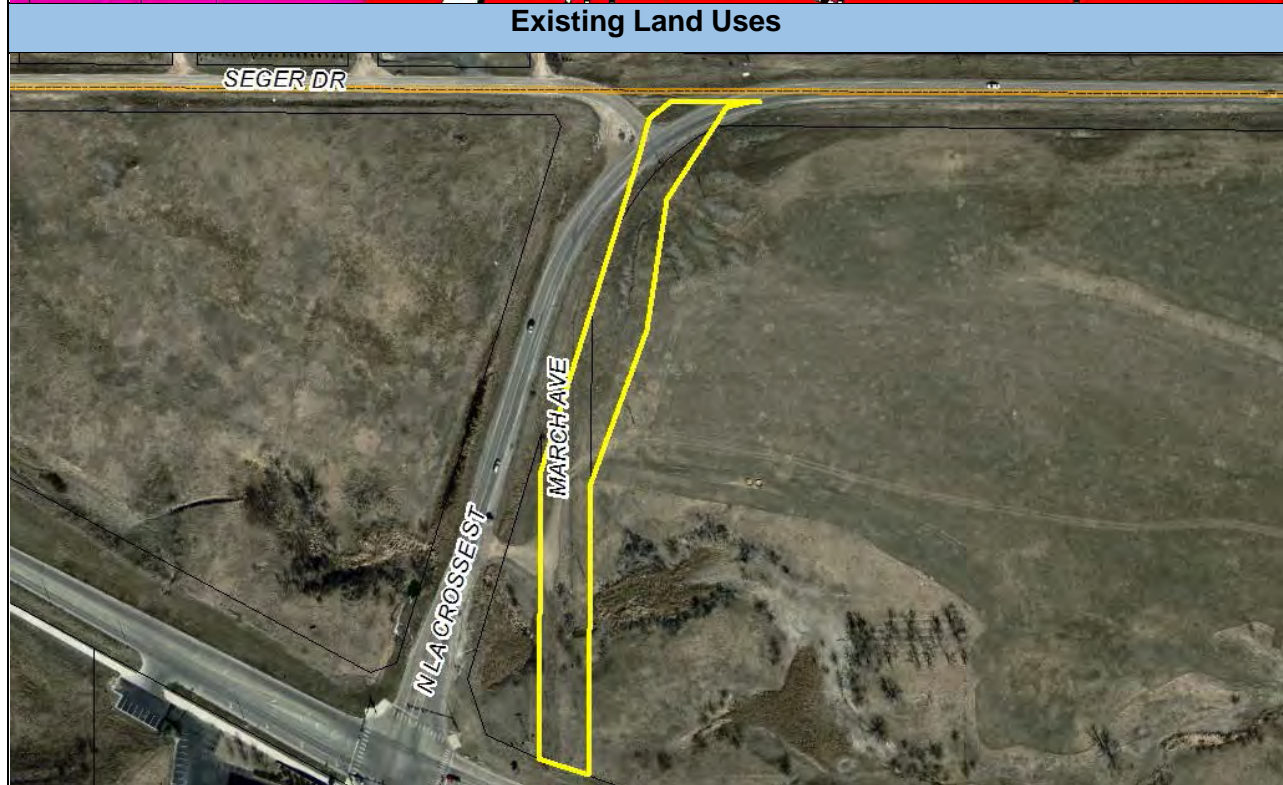
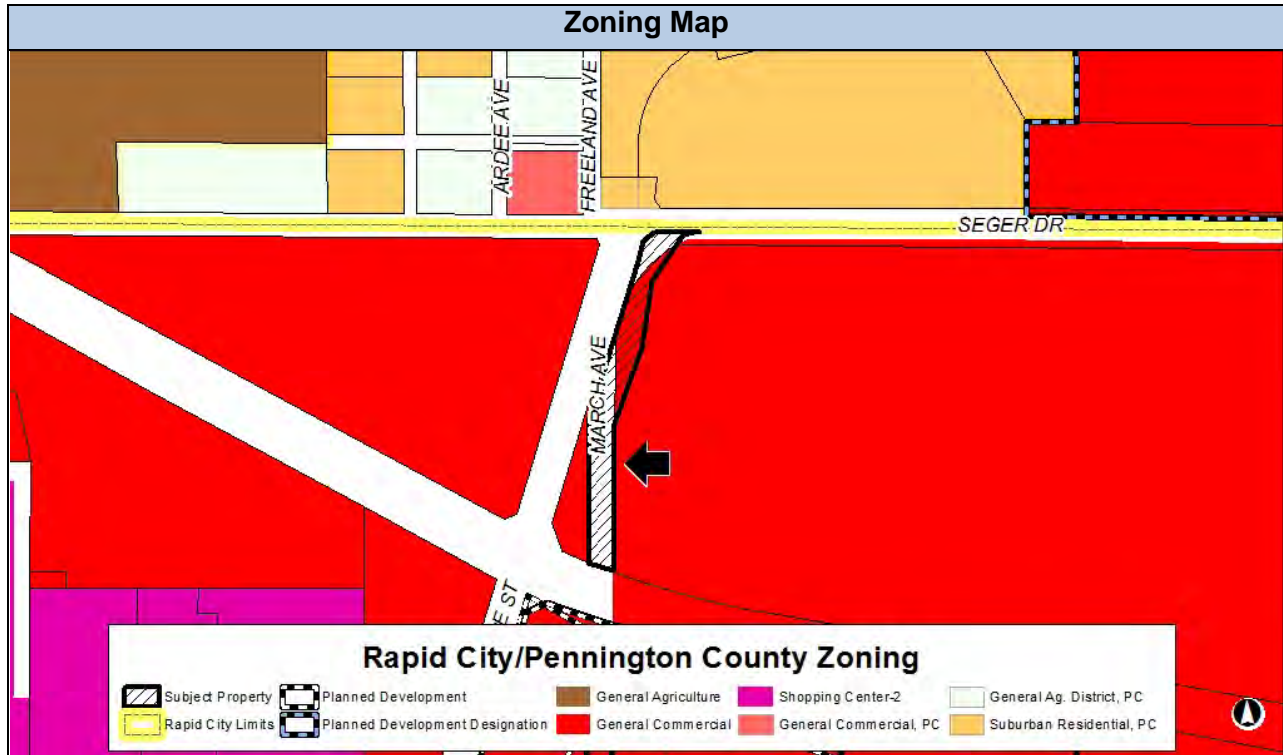
Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of Right-of-Way request be approved with the stipulation noted below.

Project Summary Brief
The applicant has submitted a request to vacate the March Avenue right-of-way located between East Mall Drive and North La Crosse Street. In particular, the existing March Avenue right-of-way is located adjacent to the existing North La Crosse Street right-of-way. While North La Crosse Street is constructed and identified as an arterial street on the City's Major Street Plan, March Avenue has not been constructed. Rapid City Public Works has not identified the need to construct March Avenue in the future and, as such, is working with the applicant to vacate the right-of-way.

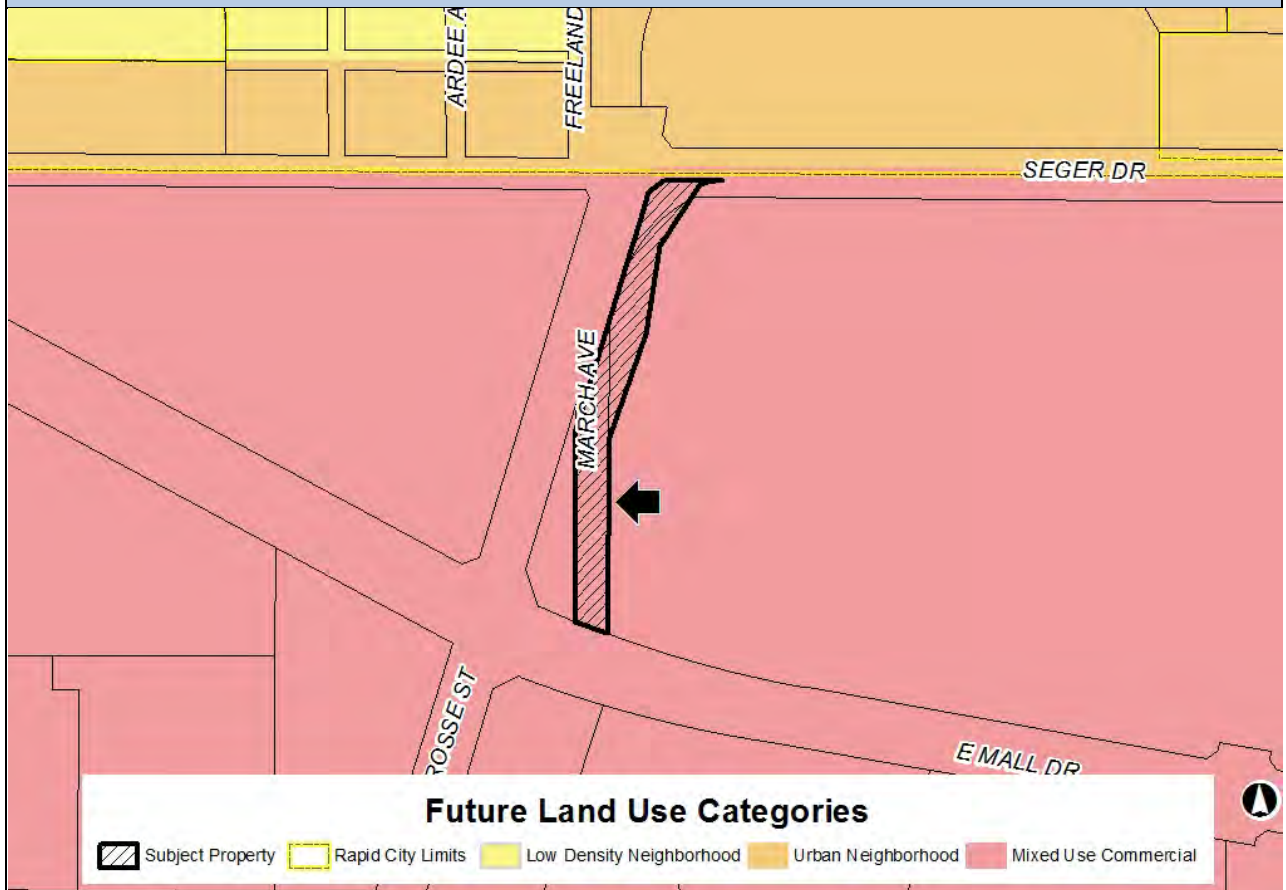
Applicant Information	Development Review Team Contacts
Applicant: Ferber Engineering Company, Inc.	Planner: Robert Laroco
Adjacent Property Owner(s): Maple Avenue Development, LLC. Hayland, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: Ferber Engineering Company, Inc.	School District: Kumar Veluswamy
Surveyor: Ferber Engineering Company, Inc.	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	March Avenue right-of-way. East of North La Crosse Street, north of East Mall Drive
Neighborhood	Northeast Neighborhood
Subdivision	Section 30, T2N, R8E
Land Area	1.51 acres, approximately 65,776 square feet
Existing Buildings	None
Topography	Level
Access	East Mall Drive, North 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

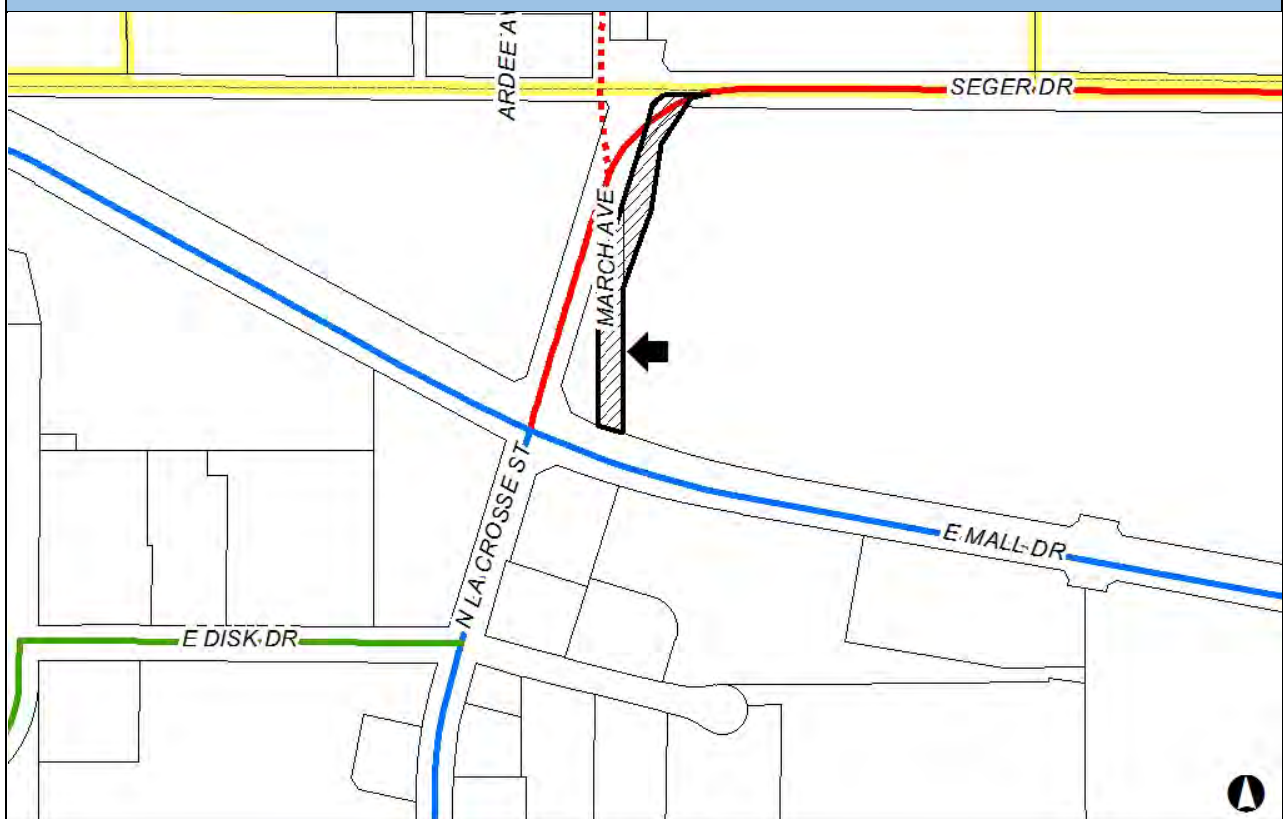
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	MUC	No structural development
Adjacent North	GC	MUC	North La Crosse Street right-of-way
Adjacent South	GC/PD	MUC	Construction site, hotel and water park
Adjacent East	GC	MUC	No structural development
Adjacent West	GC	MUC	No structural development



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street 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	1.51 acres, approximately 65,611 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 requested Vacation of Right-of-Way removes maintenance, construction, and liability risk for March Avenue, a street right-of-way which has never been constructed in an area already services by North La Crosse Street.
2. The property interest being vacated is no longer necessary for City operations.	The requested Vacation of Right-of-Way has been submitted on the City of Rapid City's behalf. The existing North La Crosse Street and East Mall Drive provide adequate access to all property affected by the requested vacation. The property is no longer necessary for City operations.
3. The land to be vacated is no longer necessary for the public use and convenience.	March Avenue is an existing street right-of-way that has not been constructed and with no plans or need to construct in the future. During review of the application, staff noted that a number of utility companies, including Black Hills Power, Vast Communications, and Midcontinent Communications, all have facilities in the vicinity of the proposed vacation. All utility companies are in concurrence with the requested vacation provided a utility easement is provided to allow existing facilities to remain in the vacated right-of-way. The applicant has submitted a draft easement to secure a corridor for the existing utilities. Prior to City Council approval, the submitted easement must be signed by the property owner and the original signed easement document must be submitted to Community Planning and Development Services for recording.

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.	The proposed utility easement will ensure that access to existing facilities is retained and that maintenance and upkeep of all facilities can occur in order to maintain the quality of public services for the area.

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
N/A	N/A
	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 will be considered by the Planning Commission, Public Works Committee, and the City Council. 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:	
N/A	N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Northeast Neighborhood
Neighborhood Goal/Policy:	
NE-NA1.11	<u>Urban Services:</u> The requested vacation of right-of-way will not impact the extension of City infrastructure in the Urban Services Boundary if approved in conjunction with the required utility easement.

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 right-of-way proposed for vacation will no longer be required upon approval and recording of the proposed utility easement. March Avenue is not necessary to maintain City operations or for public use and will not decrease the accessibility of property in the vicinity.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:	
1.	Prior to City Council approval, a revised and signed utility easement shall be submitted to Community Planning and Development Services.