



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

September 7, 2017

Item #8
Applicant Request(s)
Case # 17VR006 – 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 denied

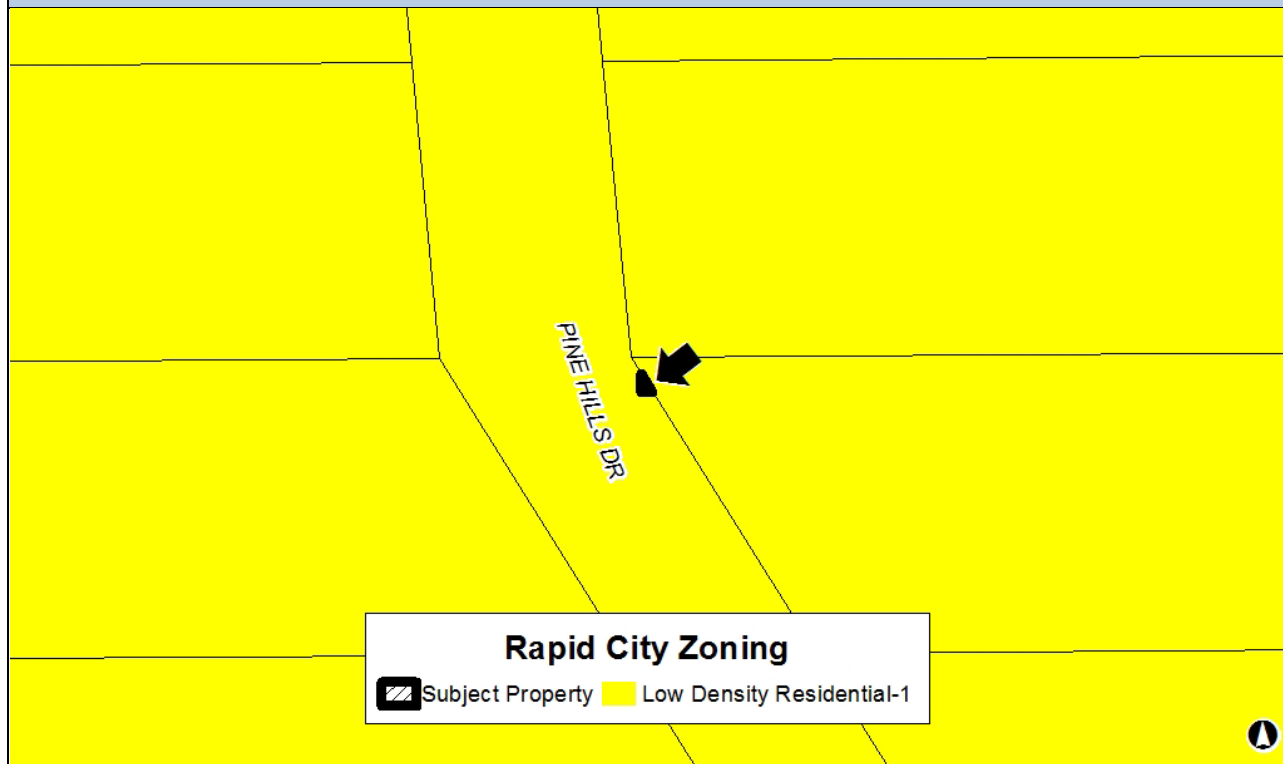
Project Summary Brief	
<p>The applicant has submitted a Vacation of Right-of-Way application for a portion of Pine Hills Drive where a garage encroaches into the right-of-way. Pine Hills Drive is identified as a local street requiring a minimum of 52 feet of right-of-way. The proposed Vacation request would maintain a minimum of 63 feet of right-of-way. The applicant should be aware that vacating the right-of-way does not correct the setback encroachment on the adjacent property.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Northwestern Engineering Co.	Planner: Fletcher Lacock
Property Owner: City of Rapid City	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Fisk Land Surveying & Consulting Engineers, Inc.	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Adjacent to 1130 Pine Hills Drive
Neighborhood	West Rapid
Subdivision	Pine Hills Subdivision
Land Area	Approximately 10 square feet
Existing Buildings	Garage Encroachment
Topography	Relatively flat
Access	Pine Hills Drive
Water Provider	Private well
Sewer Provider	Private septic
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

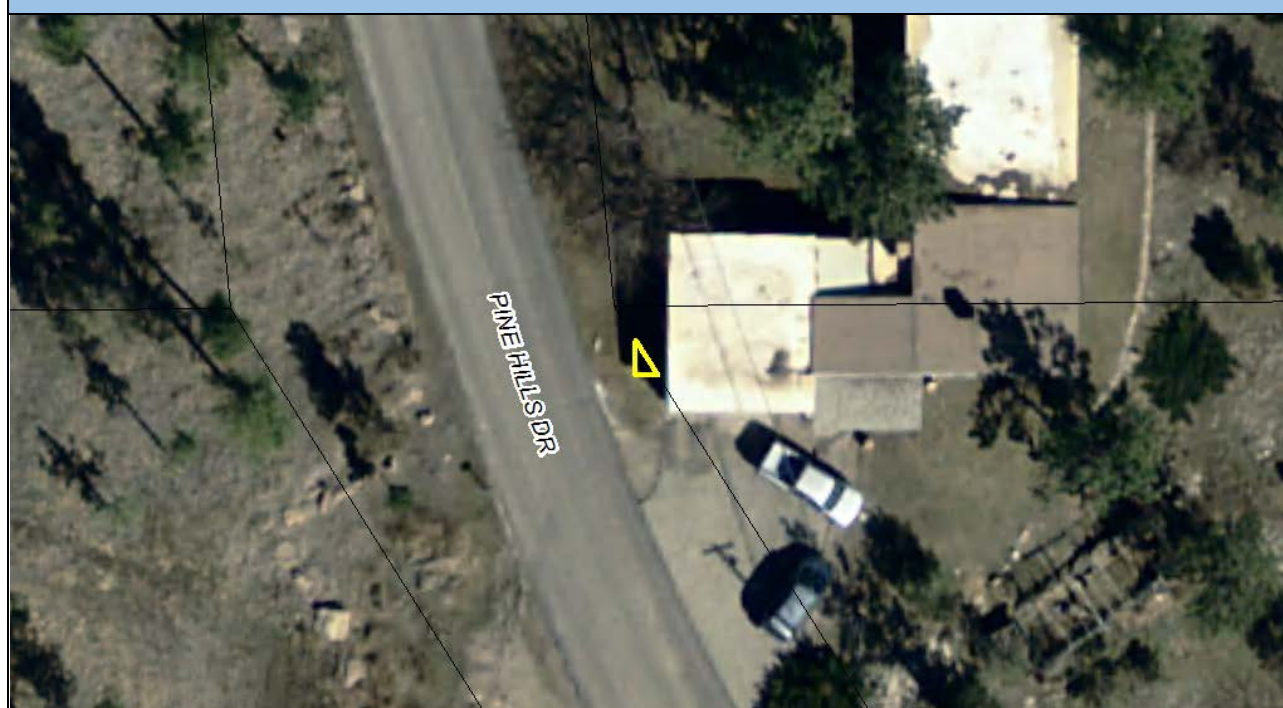
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	LDN – Revitalization Corridor	Garage encroachment
Adjacent North	LDR	LDN – Revitalization Corridor	Void of structural development
Adjacent South	LDR	LDN – Revitalization Corridor	Void of structural development
Adjacent East	LDR	LDN – Revitalization Corridor	Single-family dwelling
Adjacent West	LDR	LDN	Void of structural development

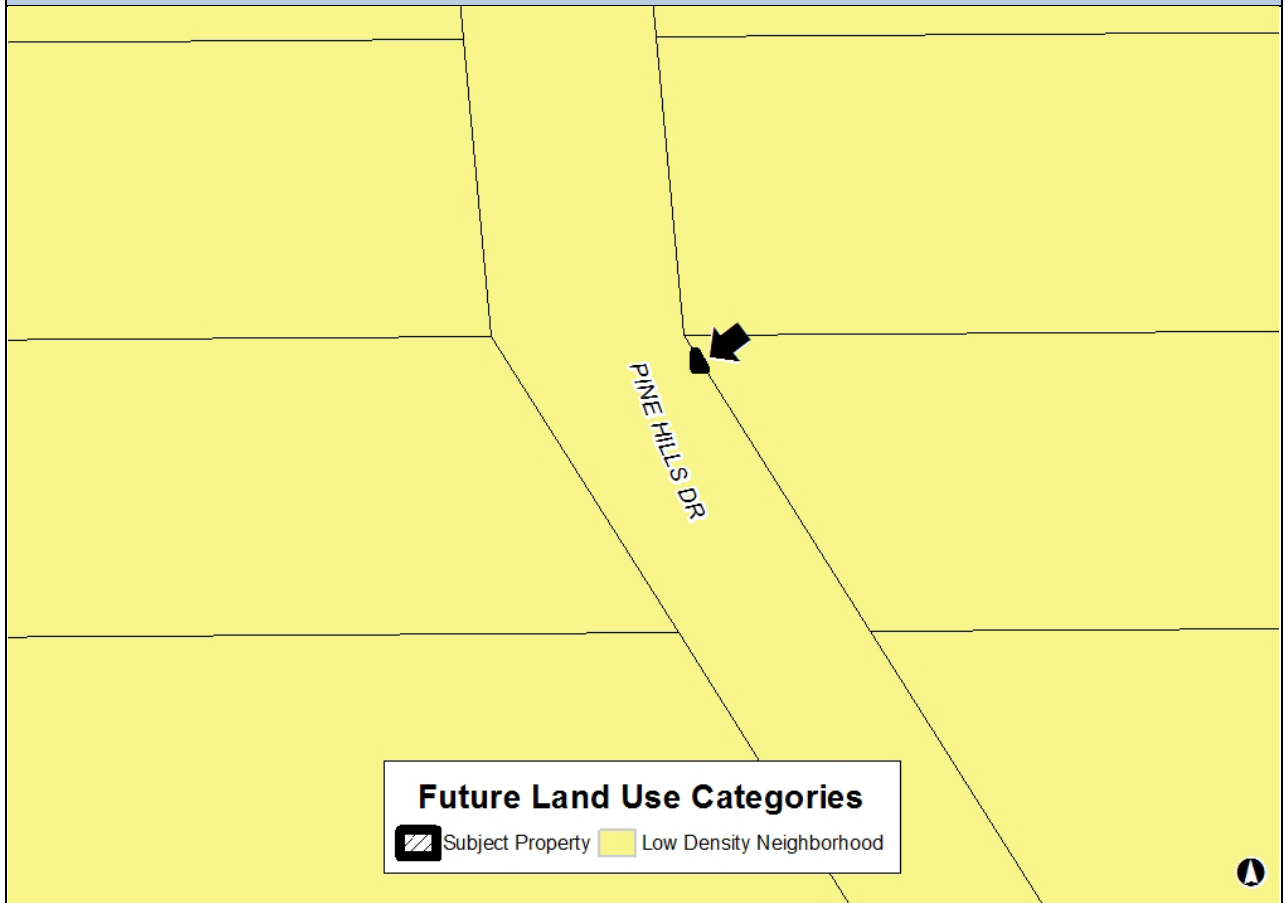
Zoning Map



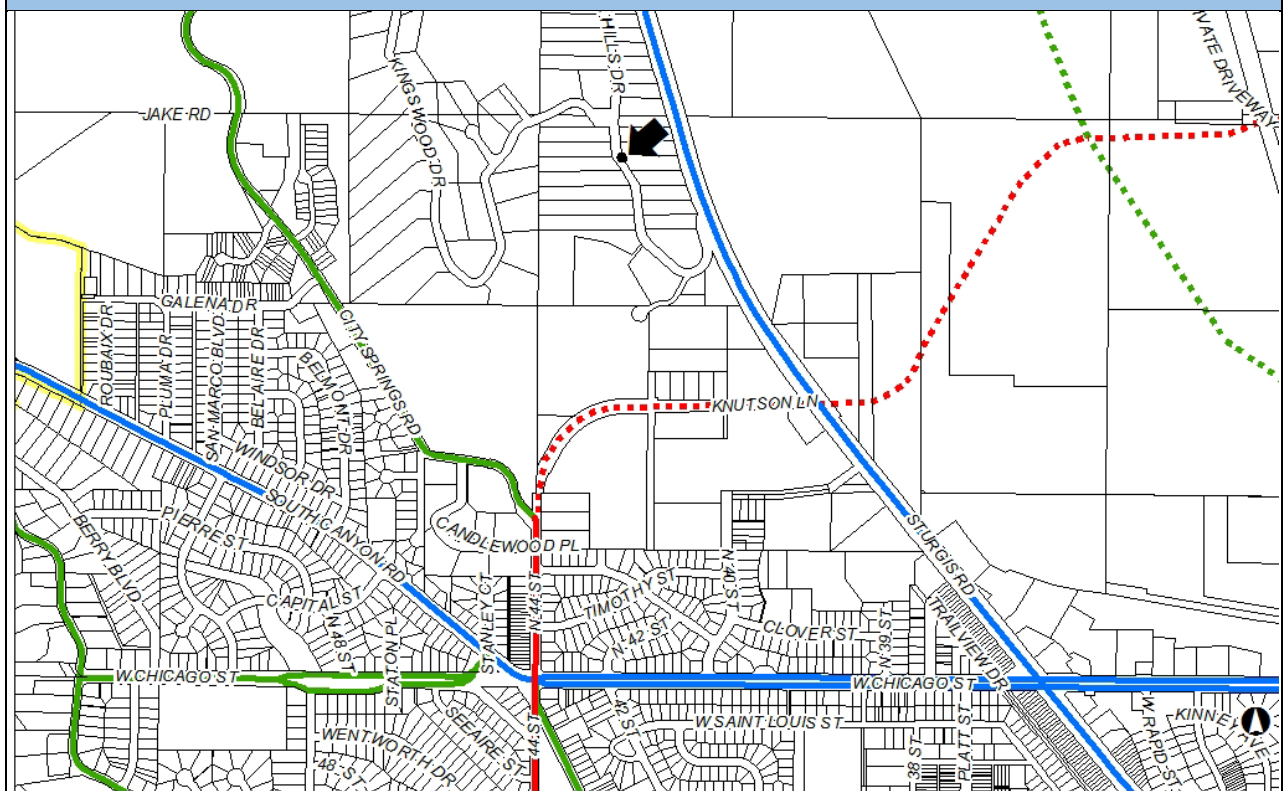
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
County – Suburban Residential District	Required	Proposed	
Lot Area	N/A	Approximately 10 square feet	
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.	Vacation of the right-of-way would remove an encroachment which has existed for approximately 65 years. The applicant has indicated that vacating the portion of right-of-way will continue to maintain a minimum of 63 feet of right-of-way where 52 feet is the minimum required for a local street. The Vacation of Right-of-Way request does not correct the non-conforming zero foot front yard setback. If the property were to be damaged by more than 50% of its value, a new dwelling would have to comply with the minimum required 20 foot front yard setback. Public Works staff is recommending that the applicant enter into an encroachment agreement with the City in lieu of vacating the right-of-way. The encroachment agreement would allow the garage to continue to encroach until such time as the City needs the right-of-way.
2. The property interest being vacated is no longer necessary for City operations.	Pine Hills Drive serves as access from Sturgis Road to a residential area on the northwest side of the City and is classified as a local street requiring a minimum of 52 feet of right-of-way. The portion of right-of-way that the applicant is proposing to vacate is occupied by a private garage. The applicant should be aware that vacating the right-of-way does not correct the non-conforming front yard setback. The applicant should also be aware that should the garage or dwelling be destroyed, a new dwelling would need to conform to the minimum required setback of 20 feet. Public Works staff has indicated that based on the existing topography, all of the existing right-of-way may be needed

	to reconstruct and/or expand the street in the future. As noted above, staff recommends that the Vacation of Right-of-Way request be denied and that the applicant instead enter into an encroachment agreement with the City. The encroachment agreement would allow the garage to continue to encroach into the right-of-way until such time as the City requires the right-of-way.
3. The land to be vacated is no longer necessary for the public use and convenience.	As noted above, the right-of-way may be needed for the future reconstruction and/or expansion of Pine Hills Drive. Pine Hills Drive serves as access from Sturgis Road to a secluded residential area on the northwest side of the City. The area is not served by Rapid City water or sewer. The rough terrain may also require that future reconstruction of Pine Hills Drive and utilities may require the relocation of the street.
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.
6. The vacation will not reduce the quality of public services to any parcel of land.	There are no public utilities in the street. However, vacating the portion of right-of-way may hamper the future reconstruction and installation of utilities in Pine Hills Drive. In addition, the terrain may require the relocation of the road. Staff recommends that the Vacation of right-of-way application be denied and that the applicant enter an encroachment agreement with the City to allow the current garage encroachment until such time as the City requires the right-of-way.

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: Pine Hills Drive is identified as a local street and serves as access from Sturgis Road to a secluded residential neighborhood on the northwest side of the City.
	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
Design Standards:	
N/A	The applicant is proposing to vacate a portion of right-of-way where an existing garage encroaches. The Vacation of Right-of-Way does not correct a non-conforming front yard setback.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	West Rapid
Neighborhood Goal/Policy:	
N/A	As noted above, Pine Hills Drive serves as access to a secluded residential neighborhood located on the northwest side of the City.

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. Staff recommends that the applicant enter an encroachment agreement with the City to allow the garage to legally encroach into Pine Hills Drive right-of-way until such time as the City requires the right-of-way. The Vacation of Right-of-Way request does not correct a non-conforming zero foot front yard setback. Public Works staff has indicated that based on the topography of the area, future reconstruction and/or expansion of Pine Hills Drive and the extension of public utilities may require that the street be moved. The applicant should be aware that should the dwelling be destroyed, a new dwelling would be required to have a minimum 20 foot front yard setback. Staff recommends that the Vacation of Right-of-Way request be denied.</p>	

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