



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

November 22, 2017

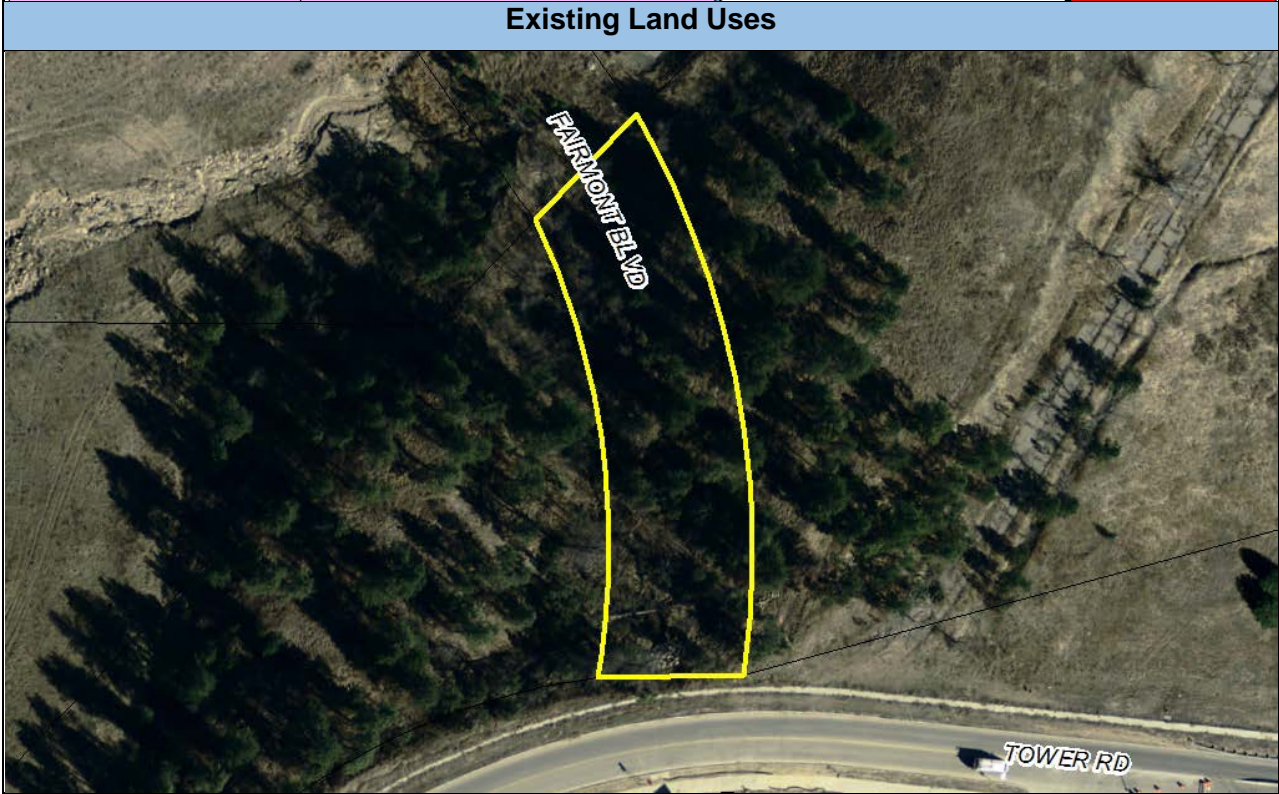
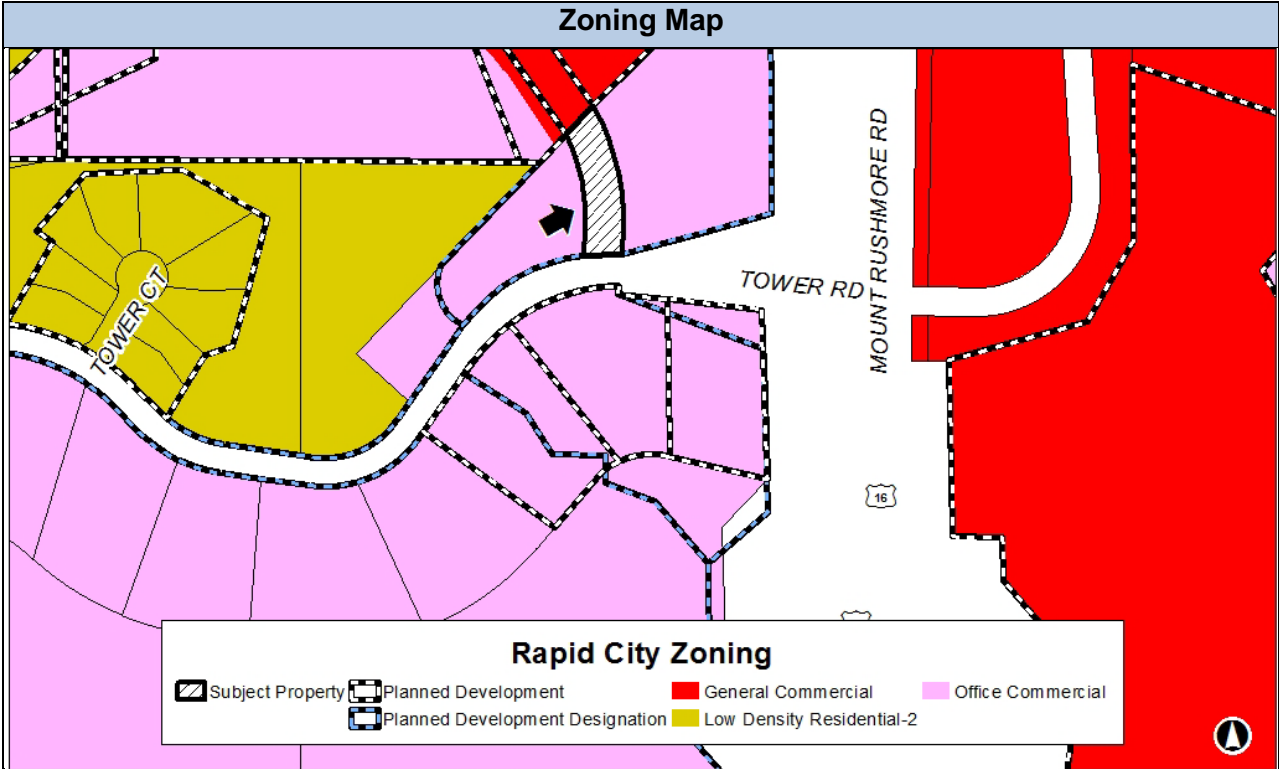
Item #11
Applicant Request(s)
Case #17VR008 – Vacation of Right-of-Way
Companion Case(s) #17PL118 – Preliminary Subdivision Plan to create 15 residential lots

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

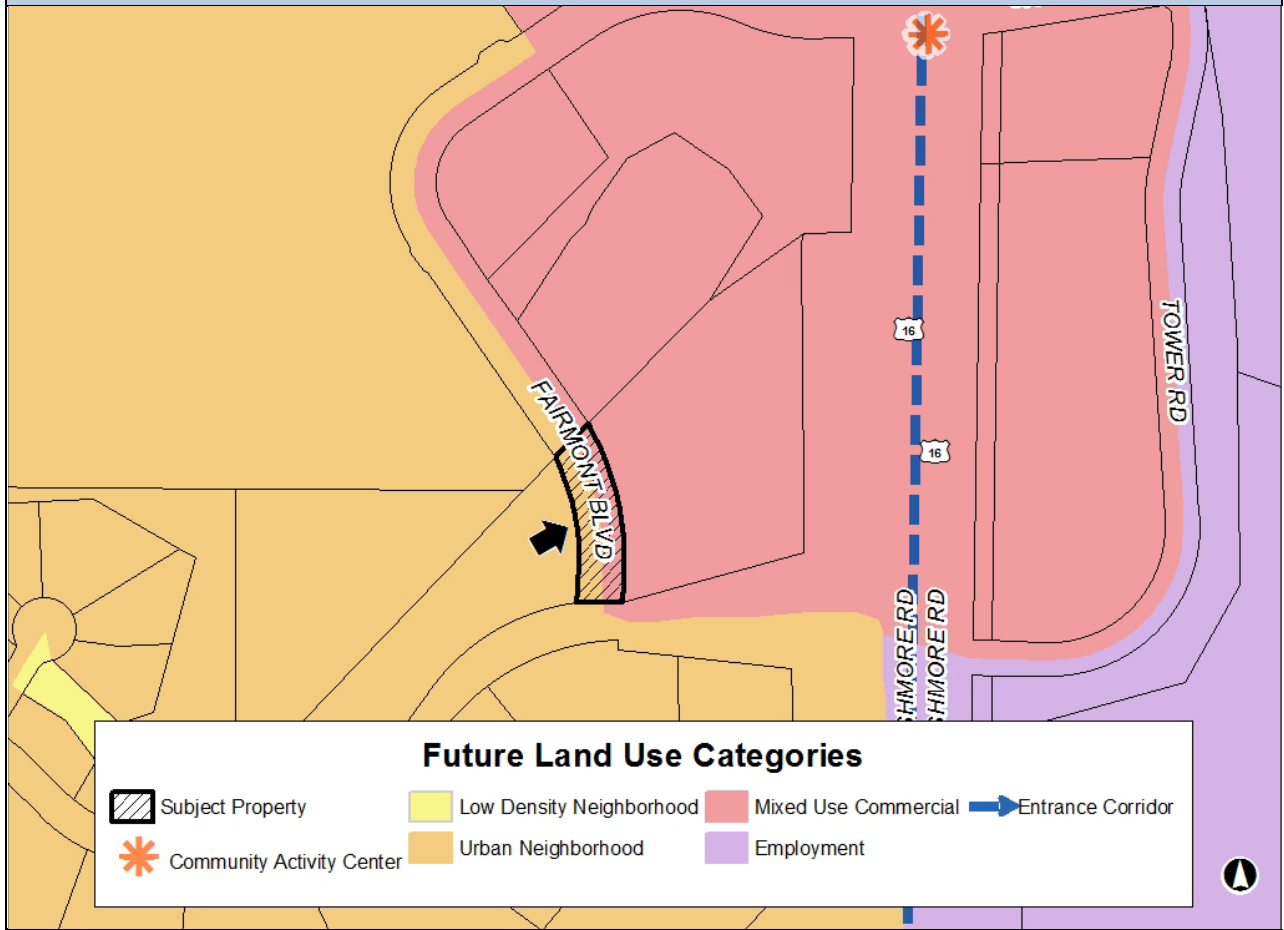
Project Summary Brief	
<p>The applicant has submitted a Vacation of Right-of-Way application for a portion of Fairmont Boulevard right-of-way located on the north side of Tower Road approximately 500 feet west of the intersection of Tower Road and Mount Rushmore Road. The right-of-way is approximately 0.529 acres in size and provides a future street connection from Fairmont Boulevard to Tower Road. Fairmont Boulevard currently terminates approximately 330 feet to the north. The applicant has also submitted a Preliminary Subdivision Plan to create 15 residential lots as Phase One of a proposed two phase development. The applicant’s Master Plan identifies an additional 7 residential lots and the vacation of a portion of Tower Road right-of-way located along the south lot line of Phase Two.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Tony Marshall	Planner: Fletcher Lacock
Property Owner: City of Rapid City	Engineer: Ted Johnson
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Sperllich Consulting, Inc.	Water/Sewer: Ted Johnson
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Approximately 500 feet west of the intersection of Tower Road and Mount Rushmore Road
Neighborhood	U.S. Highway 16 Neighborhood Area
Subdivision	Section 11, T1N, R7E
Land Area	Approximately 0.529 acres (23,043 square feet)
Existing Buildings	No structural development
Topography	Rises in elevation from south to north approximately 52 feet then drops 34 feet at the north end
Access	Tower Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

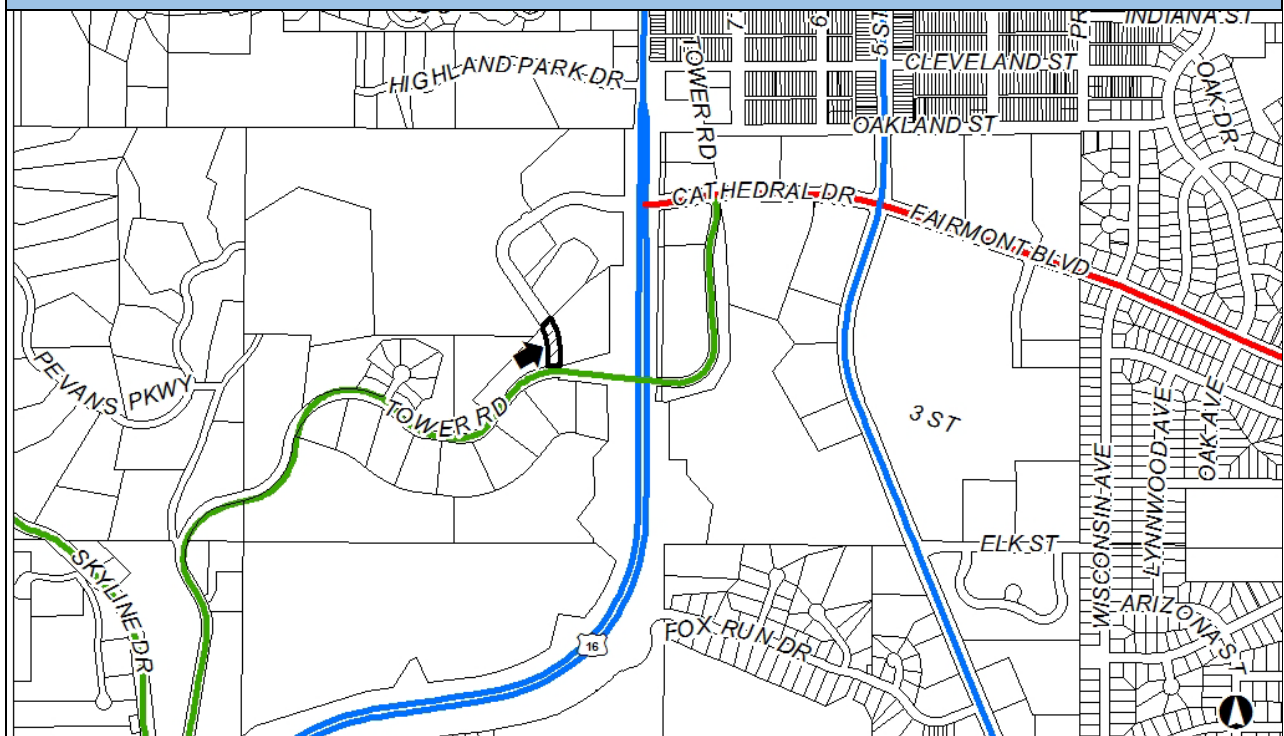
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	UN and MUC	Fairmont Boulevard right-of-way
Adjacent North	GC - PD	UN and MUC	Hotel
Adjacent South	OC - PD	UN	Medical office
Adjacent East	OC - PDD	MUC – Entrance Corridor	Void of structural development
Adjacent West	OC - PDD	UN	Void of structural development



Comprehensive Plan Future Land Use



Parks or Transportation Plan









Relevant Case History			
Case/File#	Date	Request	Action
04PD022	04/22/2004	Planned Development Designation	Planning Commission Approved
Relevant Zoning District Regulations			
Office Commercial District	Required	Proposed	
Lot Area	N/A	Approximately 0.529 acres	
Lot Frontage	N/A	Right-of-way width is 80 feet	
Maximum Building Heights	3 stories or 35 feet	N/A	
Maximum Density	35%	N/A	
Minimum Building Setback:			
• Front	25 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.	Fairmont Boulevard is currently constructed from Mount Rushmore Road up to the second approach to the Village at Skyline Pines assisted living facility. The applicant is proposing to vacate the portion of Fairmont Boulevard right-of-way which provides a connection to Tower Road. The future construction of Fairmont Boulevard would provide a secondary access to the 101 unit assisted living facility, 82 room hotel, restaurant, commercial office building, and future development in the area. In addition, Tower Road bridge may become obsolete or unsafe and Fairmont Boulevard would provide a connection from Mount Rushmore Road to Tower Road should the bridge ever need to be reconstructed or removed. The right-of-way also provides a future secondary egress should there be any restrictions at the intersection of Fairmont Boulevard and Mount Rushmore Road. Staff recommends that the Vacation of Right-of-Way request be denied.
2. The property interest being vacated is no longer necessary for City operations.	As noted above, this portion of Fairmont Boulevard may be needed in the future to provide secondary egress for existing and future development along Fairmont Boulevard. In addition, retaining the right-of-way secures access from Mount Rushmore Road to Tower Road if Tower Road bridge is reconstructed or removed.
3. The land to be vacated is no longer necessary for the public use and convenience.	As noted above, the right-of-way secures a future secondary access to the existing and future development along Fairmont Boulevard.
4. The vacation will not create any landlocked properties.	As noted above, Fairmont Boulevard currently terminates to the north of the subject area at the second approach to the

	Village at Skyline Pines assisted living facility. The proposed vacation does not land lock any properties. However, it removes the opportunity to maintain a secondary access.
5. The vacation will not render access to any parcel unreasonable.	As noted above, the proposed Vacation of Right-of-Way request will remove a future secondary egress for existing and future uses along Fairmont Boulevard and reduces the connectivity from Mount Rushmore Road to Tower Road if there are restrictions to or redevelopment of the Tower Road bridge.
6. The vacation will not reduce the quality of public services to any parcel of land.	The existing Fairmont Boulevard right-of-way will provide a future secondary egress to the businesses located along Fairmont Boulevard. Staff recommends that the Vacation of Right-of-Way request be denied.

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: Mount Rushmore Road and Tower Road are identified as a Principal Arterial Street and a Collector Street respectively, on the City’s Major Street Plan. When constructed, Fairmont Boulevard will provide a secondary egress if the Tower Road bridge is ever reconstructed or removed in the future.
	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):	Urban Neighborhood and Mixed-Use Commercial
Design Standards:	
N/A	The applicant has also submitted a Preliminary Subdivision Plan (File #17PL118) to create 15 residential lots on the property to the east.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	U.S. Highway 16 Neighborhood Area
Neighborhood Goal/Policy:	
N/A	The U.S. Highway 16 Neighborhood Area identifies that topography is a development constraint. The proposed Vacation of Right-of-Way includes an area which rises in elevation from south to north approximately 52 feet then drops 34 feet at the north end.

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. Fairmont Boulevard is required to be constructed as a part of the associated Preliminary Subdivision Plan (File #17PL118), unless an Exception is obtained to waive the requirement. Upon construction, Fairmont Boulevard will provide a secondary access to the hotel, assisted living facility, offices and future development along Fairmont Boulevard. Retaining the right-of-way ensures that a second street connection to this area can be provided if the Tower Road bridge connection is ever terminated or if traffic within the area warrants a second ingress / egress.</p>	

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