



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

July 9, 2015

Applicant Request(s)

Case # 15VR010 – Vacation of Right-of-Way for a portion of an alley right-of-way located adjacent to a portion of Block 4 of Denmans Addition

Companion Case(s) #:

Development Review Team Recommendation(s)

Approve with stipulations

Project Summary Brief

The applicant has submitted a Vacation of right-of-way application for a portion of an alley right-of-way located adjacent to a portion of Block 4 of Denmans Addition east of Maple Avenue. An Initial Planned Development Overlay was approved at the June 24, 2015 Planning Commission meeting showing the portion of the alley vacated and developed with an eight foot wide pedestrian path. At the west end of the proposed vacated alley will be a vehicle crossing between proposed paved parking lots to serve the South Dakota School of Mines and Technology Foundation (SDSMT) student residence.

Applicant Information

Applicant: South Dakota School of Mines & Technology Foundation

Property Owner: City of Rapid City

Architect: NA

Engineer: FMG, Inc

Surveyor: FMG, Inc

Other: NA

Development Review Team Contacts

Planner: Fletcher Lacock

Engineer: Dan Kools

Fire District: Tim Behlings

School District: NA

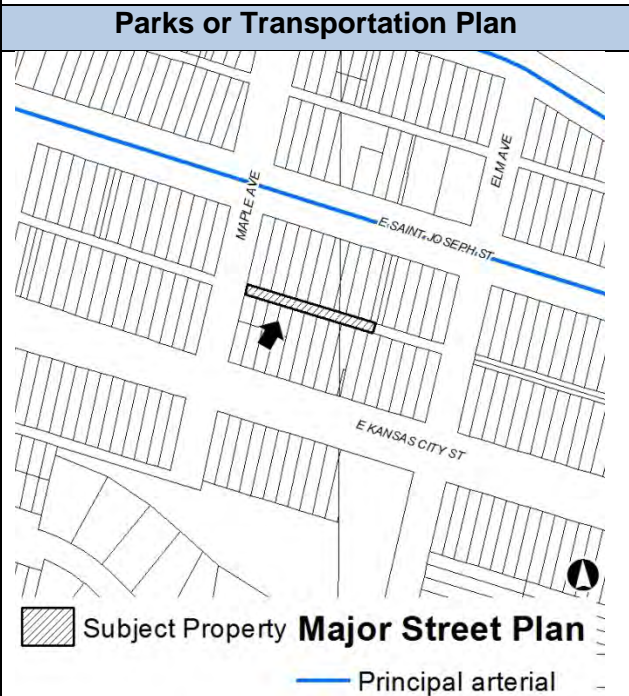
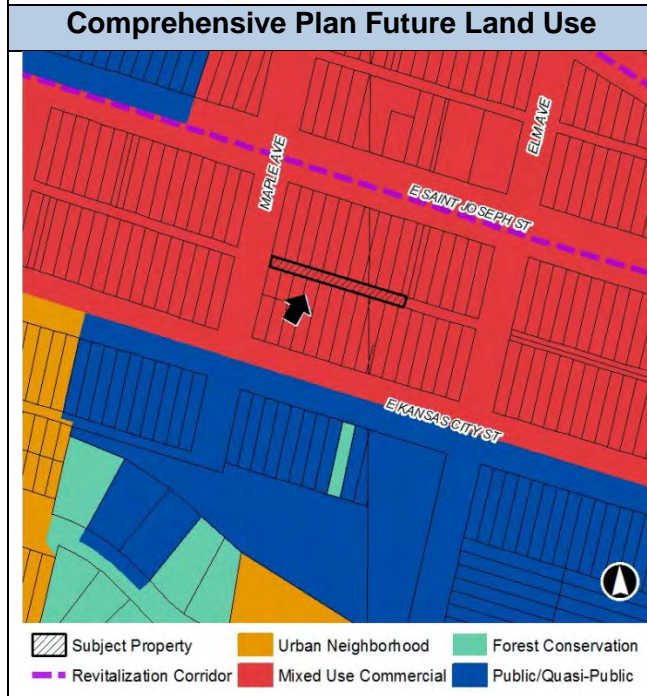
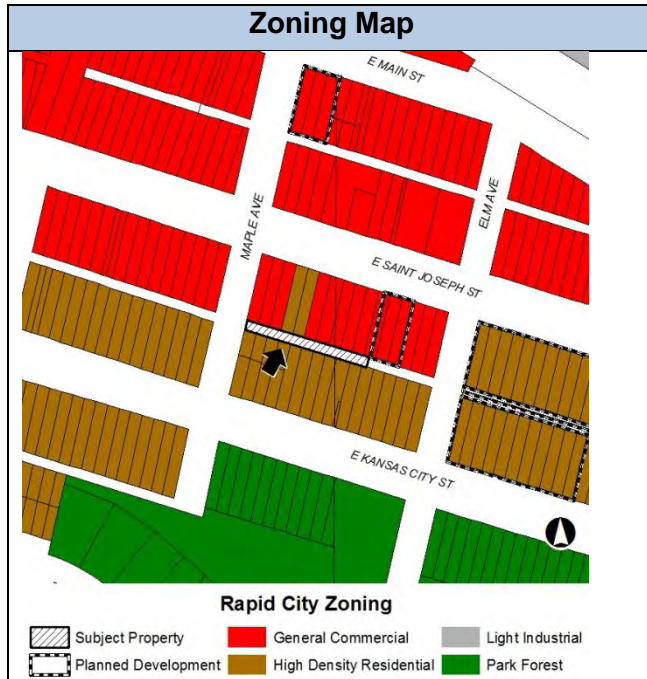
Water/Sewer: Dan Kools

DOT: Stacy Bartlett

Subject Property Information

Address/Location	The alley is located in Block 4 of Denmans Addition, south of East Saint Joseph Street and extending east from Maple Avenue
Neighborhood	Downtown / Skyline Drive
Subdivision	Denmans Addition
Land Area	0.12 acres (5,160 square feet)
Existing Buildings	NA
Topography	20 foot wide unpaved alley, relatively flat
Access	Maple Avenue
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	NA
Other	NA

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC and HDR – Initial PD	MUC – Revitalization Corridor	Unpaved alley
Adjacent North	GC and HDR – Initial PD	MUC – Revitalization Corridor	One-story dwellings and vacant properties
Adjacent South	HDR – Initial PD	MUC	One-story dwellings
Adjacent East	GC and HDR	MUC – Revitalization Corridor	Parking lot, one-story dwellings, one-story commercial building
Adjacent West	GC and HDR	MUC – Revitalization Corridor	One-story dwellings and vacant properties



Relevant Case History			
Case/File#	Date	Request	Action
15PD016	6/25/15	Initial Planned Development Overlay to allow a student residence building	Approved
15RZ012	6/25/15	Rezoning from GC to HDR	Goes to Council 7/20/15
15RZ013	6/25/15	Rezoning from GC to HDR	Goes to Council 7/20/15

Relevant Zoning District Regulations		
NA	Required	Proposed
Lot Area	NA	0.12 acres (5,160 square feet)
Lot Frontage	NA	NA
Maximum Building Heights	NA	NA
Maximum Density	NA	NA
Minimum Building Setback:		
• Front	NA	NA
• Rear	NA	NA
• Side	NA	NA
• Street Side	NA	NA
Minimum Landscape Requirements:		
• # of landscape points	NA	NA
• # of landscape islands	NA	NA
Minimum Parking Requirements:		
• # of parking spaces	NA	NA
• # of ADA spaces	NA	NA
Signage	NA	NA
Fencing	NA	NA





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 a portion of alley right-of-way. On June 25, 2015, an Initial Planned Development Overlay was approved showing the portion of the alley being developed with an eight foot wide pedestrian path. On the east end of the proposed portion of the alley to be vacated will be a vehicle crossing connecting future parking lots. Currently, the alley is unpaved and vacating this portion will provide a pedestrian walkway which serves the interest of the City.
2. The property interest being vacated is no longer necessary for City operations.	The portion of the alley to be vacated is unpaved. On June 25, 2015, an Initial Planned Development Overlay was approved showing the portion of the alley to be vacated developed with an eight foot wide pedestrian path. The applicant is proposing to develop the adjacent properties with a SDSMT residence building and parking.
3. The land to be vacated is no longer necessary for the public use and convenience.	The applicant is proposing to take access to the proposed student residence building and parking lots from Maple Avenue. The portion of the alley to be vacated will be developed with an eight foot wide pedestrian path.




4. The vacation will not create any landlocked properties.	The approved Initial Planned Development Overlay identifies that the student residence building and parking will take access from Maple Avenue. A vehicle crossing will cross the vacated alley at the east end, connecting the proposed parking lots for the development.
5. The vacation will not render access to any parcel unreasonable.	The east portion of the alley will not be vacated. Adjacent properties to the east take access from Kansas City Street, East Saint Joseph Street and Elm Avenue. The eastern portion of the remaining alley will have access from Elm Avenue.
6. The vacation will not reduce the quality of public services to any parcel of land.	A sewer main and public utilities are located in the alley. The applicant is proposing to retain a sewer main easement, a drainage easement, and a utility easement in the portion of the alley to be vacated.

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	
BPG-1.2C	Priority Revitalization Corridors: The proposed vacation of right-of-way is for a SDSMT student housing project which will contribute to the revitalization of the Main and Saint Joseph Streets corridor.
 A Vibrant, Livable Community	
LC-1.1D	Connected Amenities: The applicant has submitted a Vacation of Right-of-Way request for the alley as it abuts the subject property west to Maple Avenue. The approved Initial Planned Development Overlay shows a pedestrian walkway and landscaping within this area. The proposed eight foot wide walking path is a continuation of the path located on the block to the east and promotes the connectivity between the SDSMT campus and off-campus residences.
LC-2.2A	Neighborhood Connections: The applicant is proposing to vacate the alley right-of-way adjacent to the SDSMT student housing project and to construct an eight foot wide pedestrian pathway. The proposed eight foot wide pedestrian pathway continues a sidewalk to provide a connection to the SDSMT campus located to the east.
LC-3.2C	Pedestrian and Bicycle Linkages: The proposed alley vacation promotes the linkage of off-campus student housing with the SDSMT campus and potentially downtown in the future.
 A Safe, Healthy, Inclusive, and Skilled Community	
SHIS-3.1A	Pedestrian and Bicycle Networks: The proposed eight foot wide pedestrian pathway located in the alley promotes connectivity and the development of a sidewalk system that connects off-campus student housing and the SDSMT campus.
 Efficient Transportation and Infrastructure Systems	
TI-2.1B	Multi-Modal Review: The applicant is proposing to construct an 8 foot wide

	pedestrian path in the portion of the alley to be vacated.
	Economic Stability and Growth
	NA
	Outstanding Recreational and Cultural Opportunities
	NA
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Vacation of Right-of-Way requires that public notice be advertized in the newspaper. 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.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial – Revitalization Corridor
Design Standards:	
GDP-MU7	Rehabilitation of Existing Activity Centers and Corridors: The associated Initial Planned Development Overlay and Rezoning requests promote the revitalization of the Main and Saint Joseph Streets corridor. The proposed dormitory will abut Saint Joseph Street with parking located behind the structure. The partial vacation of the alley right-of-way and the extension of a walking path which will provide a pedestrian connection to the adjacent apartment development walking path and the SDSMT campus.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive
Neighborhood Goal/Policy:	
DSD-NA1.1E	South Dakota School of Mines and Technology: The associated Initial Planned Development Overlay and Rezoning requests support the intensification of uses and revitalization of the Main and Saint Joseph Streets corridor and improves the connection between the SDSMT campus and downtown. The proposed vacation of right-of-way supports the redevelopment of the adjacent properties.

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 will maintain a sewer easement and a drainage and utility easement in the portion of the alley to be vacated. An eight foot wide pedestrian pathway will be constructed in the portion of the alley to be vacated improving the connection between the SDSMT campus and downtown. The applicant should be aware that prior to City Council approval, a revised Exhibit must be submitted addressing the Register of Deeds' redline comments.	

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 Exhibit document shall be submitted addressing

	the Register of Deeds' redline comments; and,
2.	Prior to City Council approval, a public sewer, drainage, and utility easement for the area of the alley vacation shall be submitted for recording.