



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

January 21, 2016

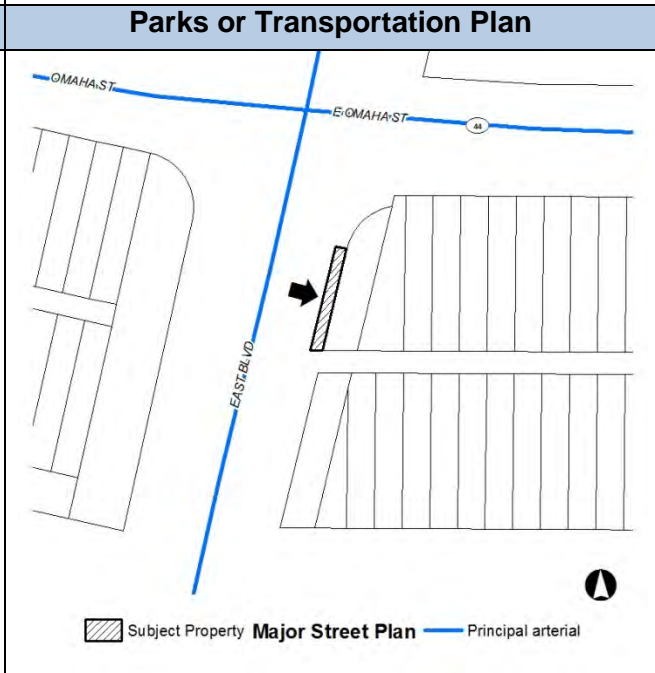
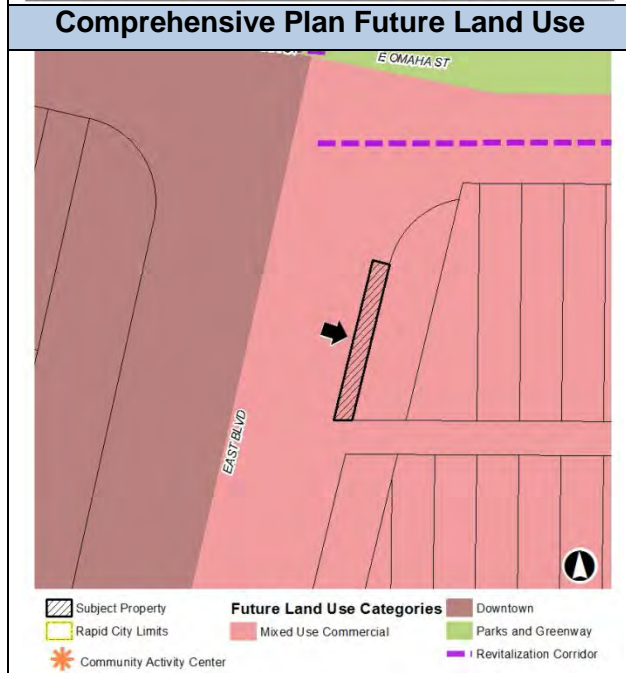
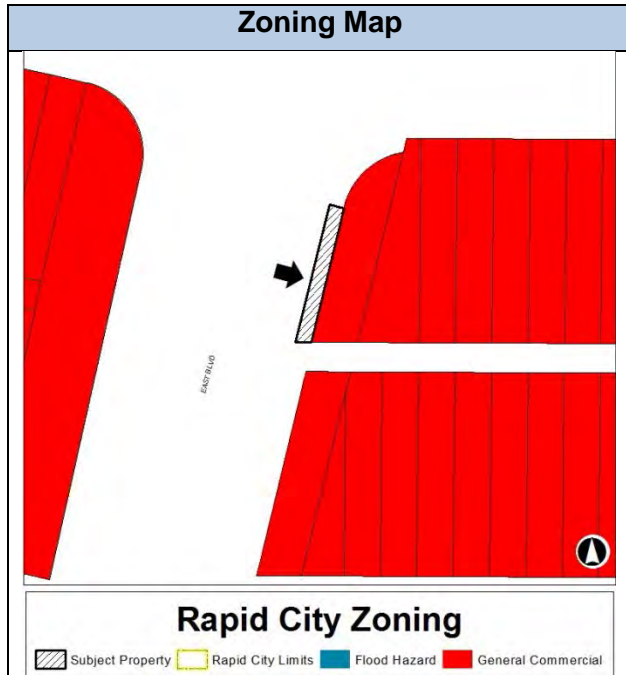
Applicant Request(s)
Case # 15VR013 – Vacation of Right-of-Way
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of right-of-way be approved with the stipulation(s) noted below

Project Summary Brief	
<p>The applicant has submitted a Vacation of right-of-way application for a portion of East Boulevard right-of-way located on the southeast corner of the intersection of East Boulevard and Omaha Street adjacent to 7 East Omaha Street. The portion of right-of-way is currently used as display parking for auto-sales.</p>	
Applicant Information	Development Review Team Contacts
Applicant: MK Land LLC	Planner: Fletcher Lacock
Property Owner: MK Land LLC	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: FMG Engineering	School District: N/A
Surveyor: FMG Engineering	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Southeast corner of the intersection of Omaha Street and East Boulevard
Neighborhood	Downtown / Skyline Drive
Subdivision	Simmons Addition
Land Area	0.02199 acres (958 square feet)
Existing Buildings	No structural development
Topography	Relatively flat
Access	East Omaha Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 500-year floodplain protected by levee
Other	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC – Revitalization Corridor – Revitalization Node	East Boulevard right-of-way
Adjacent North	FH	PG – Revitalization Corridor	Rapid City Greenway Tract
Adjacent South	GC	MUC	Retail strip mall
Adjacent East	GC	MUC – Revitalization Corridor	Auto sales
Adjacent West	GC	DT	Auto sales



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	Not required	0.02199 acres (958 square feet)	
Lot Frontage	Not required	N/A	
Maximum Building Heights	4 stories or 45 feet	N/A	
Maximum Density	75%	N/A	
Minimum Building Setback:			
• Front	25 feet	N/A	
• Rear	"0" feet	N/A	
• Side	"0" feet	N/A	
• Street Side	25 feet	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.	East Boulevard is identified as a Principal Arterial Street on the City's Major Street Plan requiring a minimum of 100 feet of right-of-way. The proposed Vacation will maintain a right-of-way width of approximately 120 feet. Public Works staff has indicated that the reconstruction of East Boulevard is planned for the future and supports the Vacation provided that a construction easement and a public utility easement are dedicated in the area of the proposed Vacation.
2. The property interest being vacated is no longer necessary for City operations.	Public Works staff has indicated that the reconstruction of East Boulevard is still in the design stage, however; based on current design, a water main is proposed for the area to be vacated. Public Works staff has indicated concurrence with the proposed request provided that a construction easement and a public utility easement are dedicated in the area to be vacated.
3. The land to be vacated is no longer necessary for the public use and convenience.	As noted above, Public Works staff has indicated that due to the future reconstruction of East Boulevard a construction easement and a public utility easement will be required for the area to be vacated.
4. The vacation will not create any landlocked properties.	The adjacent property takes access from East Omaha Street. The Vacation will not landlock the adjacent property.
5. The vacation will not render access to any parcel	As noted above, access to the adjacent property will not be affected by the proposed Vacation.

unreasonable.	
6. The vacation will not reduce the quality of public services to any parcel of land.	The stipulations of approval will ensure that a construction easement and a public utility easement are dedicated for the future reconstruction of East Boulevard.

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-2.1G	City Department Coordination: Public Works staff has indicated that the City in conjunction with the State Department of Transportation are in the early design stages of reconstructing East Boulevard. Public Works staff has indicated that a construction easement and a public utility easement are needed in the area of the proposed Vacation.
	A Vibrant, Livable Community
LC-5.2A	Priority Revitalization Corridors: East Omaha Street, north of the proposed Vacation, is identified as a Revitalization Corridor. Public Works staff has indicated that the future reconstruction of East Boulevard will include a new water main located in the area to be vacated. As such, a public utility easement must be dedicated in the area to be vacated.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-1.1A	Project Alignment and Prioritization: Public Works staff has indicated that there is sufficient right-of-way for East Boulevard. However, due to the future reconstruction of East Boulevard, a construction easement must be dedicated in the area to be vacated.
	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.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial – Revitalization Corridor – Revitalization Node
Design Standards:	
N/A	The proposed area to be vacated is located on the southeast corner of the intersection of East Boulevard and Omaha Street. East Omaha Street is identified as a Revitalization Corridor and the intersection is identified as a Revitalization Node. Public Works staff has indicated that the future reconstruction of East Boulevard will require that a construction easement and a public utility easement be dedicated in the area to be vacated.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive
Neighborhood Goal/Policy:	
N/A	Public Works staff has indicated that the future reconstruction of East Boulevard will require that a construction easement and a public utility easement be dedicated in the area to be vacated. The reconstruction of East Boulevard supports the redevelopment of aging infrastructure in the City’s core.

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 proposed Vacation maintains more than the minimum required right-of-way needed for an arterial street. The dedication of a construction and a public utility easement will ensure that the proposed Vacation does not interfere with the future reconstruction of East Boulevard.	

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 A” document shall be submitted signed and stamped by a registered surveyor;
2.	Prior to City Council approval, a construction easement shall be submitted for recording; and,
3.	Prior to City Council approval, a public utility easement shall be submitted for recording.