



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

May 21, 2015

Applicant Request(s)
Case # 15VR002 – Vacation of Right-of-Way
Companion Case(s) #: NA

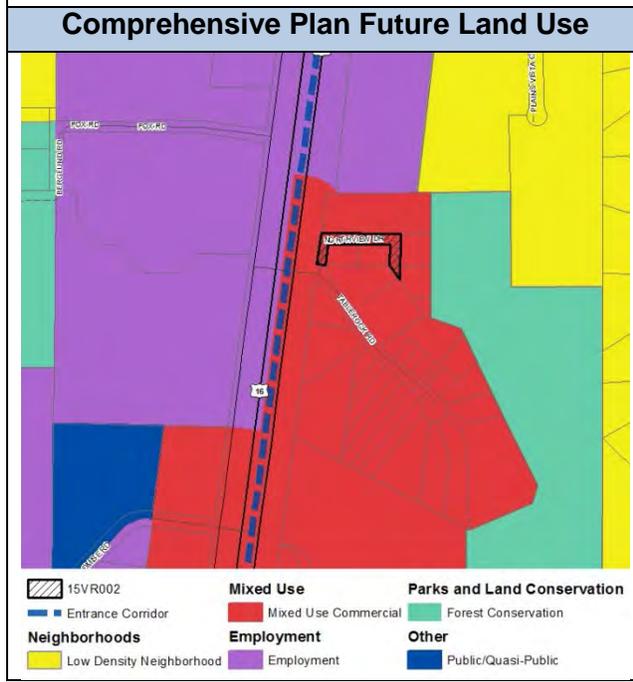
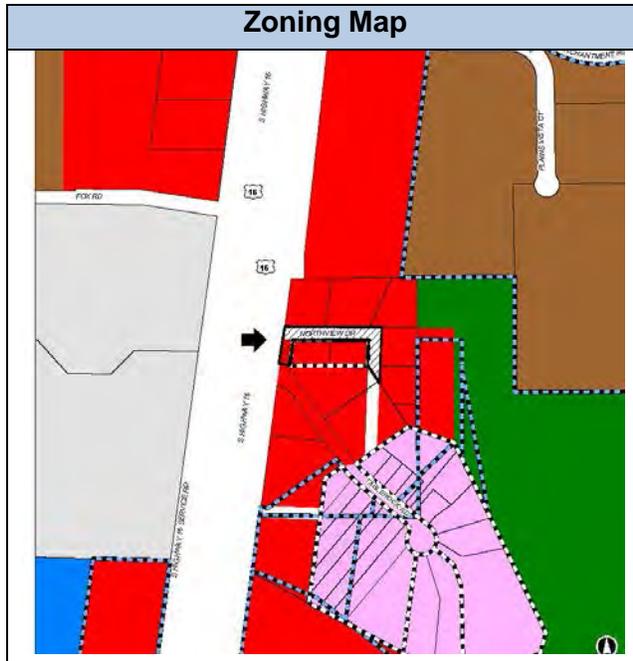
Development Review Team Recommendation(s)
Approve with stipulation

Project Summary Brief
<p>The applicant has submitted a Vacation of right-of-way application for Northview Drive and Silver Nugget Drive right-of-way. The applicant has indicated that access will be maintained to the lots that abut the requested right-of-way Vacation through a developmental lot agreement. The applicant has also indicated that in the future, several of the adjacent lots will be platted into two or three commercial lots which will further secure legal access.</p>

Applicant Information	Development Review Team Contacts
Applicant: ICON Holdings, LLC	Planner: Fletcher Lacock
Property Owner: Public right-of-way	Engineer: Dan Kools
Architect: NA	Fire District: Tim Behlings
Engineer: Fisk Land Surveying	School District: Janet Kaiser
Surveyor: Fisk Land Surveying	Water/Sewer: Dan Kools
Other: NA	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	East side of US Highway 16, north of Tablerock Road
Neighborhood	US Highway 16
Subdivision	Aladdin Heights Subdivision
Land Area	0.74 acres (32,345 square feet)
Existing Buildings	No structural development
Topography	Relatively flat
Access	Tablerock Road
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	MUC – Entrance Corridor	Northview Drive and Silver Nugget Drive
Adjacent North	GC	MUC – Entrance Corridor	Vacant
Adjacent South	GC –Final PD	MUC – Entrance Corridor	Vacant commercial building
Adjacent East	GC	MUC	Vacant
Adjacent West	BP	EC – Entrance Corridor	National American University



Relevant Case History			
Case/File#	Date	Request	Action
NA			
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	Not required	0.74 acres (32,345 square feet)	
Lot Frontage	Not required	NA	
Maximum Building Heights	4 stories or 45 feet	NA	
Maximum Density	75%	NA	
Minimum Building Setback:			
• Front	25 feet	NA	
• Rear	"0" feet	NA	
• Side	"0" feet	NA	
• Street Side	25 feet	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.	Northview Drive is paved but not to City design standards and turns south into Silver Nugget Drive which is unpaved. The right-of-way provides access to adjacent lots. Access will be secured using a Developmental Lot Agreement until platted into one lot.
2. The property interest being vacated is no longer necessary for City operations.	The applicant has indicated that the properties adjacent to the subject right-of-way will be replatted in the future. There are no water or sewer mains located within the right-of-way.
3. The land to be vacated is no longer necessary for the public use and convenience.	Prior to City Council approval, a Developmental Lot Agreement must be signed and recorded at the Register of Deeds to ensure legal access until the property is platted. The property owner has indicated that the subject property will be replatted in the future to further secure legal access.
4. The vacation will not create any landlocked properties.	The applicant is proposing to maintain access to properties that abut Northview Drive and Silver Nugget Drive through a Developmental Lot Agreement. Prior to City Council approval, a Developmental Lot Agreement must be recorded.
5. The vacation will not render access to any parcel unreasonable.	The applicant has indicated that properties abutting the subject right-of-way will secure access through a Developmental Lot Agreement. Subsequent replatting of the property will provide street access.

6. The vacation will not reduce the quality of public services to any parcel of land.	There are no water or sewer services located in Northview Drive or Silver Nugget Drive. Water and sewer mains are located in Tablerock Road.
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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-2.1F	State and Federal Coordination: The Northview Drive right-of-way abuts US Highway 16. The South Dakota Department of Transportation has indicated concurrence with the proposed Vacation of right-of-way application.
	A Vibrant, Livable Community
LC-3.1C	Compatible Infill and Redevelopment: The properties that abut Northview Drive and Silver Nugget Drive have been difficult to develop due to the cost of extending water and sewer services and constructing the roadways to City design standards. The applicant has indicated that the proposed Vacation of right-of-way application and subsequent replatting of the abutting properties will lead to a redevelopment of the adjacent properties.
	A Safe, Healthy, Inclusive, and Skilled Community
	NA
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: US Highway 16 is identified as a Principal Arterial Street on the City's Major Street Plan. Access to properties abutting the subject right-of-way will be accessed from Tablerock Road which intersects with US Highway 16.
	Economic Stability and Growth
EC-3.1C	Other Employment Areas: The applicant has indicated that the properties abutting the subject right-of-way will be replatted into two or three commercial lots. The properties include a vacant restaurant site and a demolished hotel site.
	Outstanding Recreational and Cultural Opportunities
	NA
	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 / Entrance Corridor
Design Standards:	
GDP-MU8	Relationship to Surrounding Neighborhoods: The properties that abut the subject right-of-way are zoned General Commercial District and are accessed from US Highway 16 and Tablerock Road. Property to the south is zoned Office Commercial District with an approved Planned Development allowing a mix of townhomes and single-family dwellings.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	US Highway 16 Neighborhood Area
Neighborhood Goal/Policy:	
US16-NA1.1H	Urban Services: The lack of public water and sewer mains in Northview Drive and Silver Nugget Drive has limited development opportunities in the area. The Vacation of Right-of-Way request and subsequent replatting of the properties adjacent to the right-of-way will create larger building sites and should encourage commercial development in the area.

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. A Developmental Lot Agreement will ensure that access is continually provided to properties that abut the vacated right-of-way. The utility companies have indicated concurrence with the proposed Vacation. In addition, public water and sewer are not located within the right-of-way and the streets are not built to City design standards. The proposed Vacation of right-of-way will promote the redevelopment of the area.	

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 Developmental Lot Agreement shall be recorded for the properties that abut Northview Drive and Silver Nugget Drive to ensure that access to the properties is maintained.