



# Rapid City Planning Commission

## Vacation of Right-of-Way Project Report

### September 24, 2015

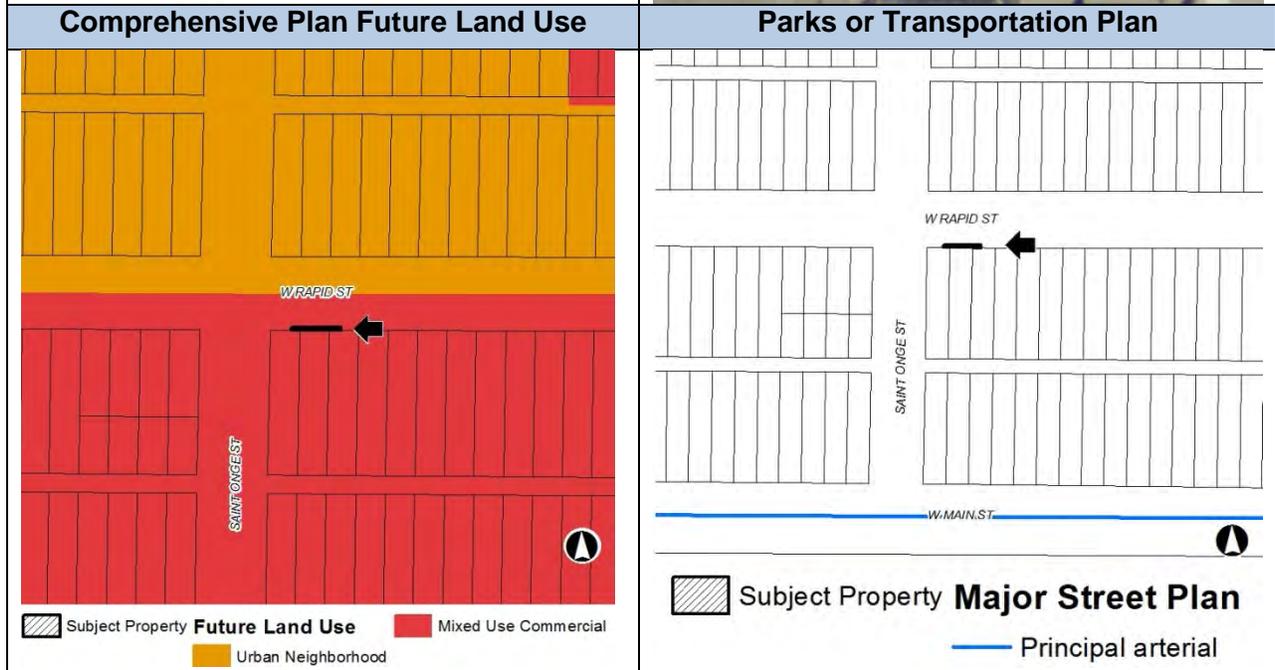
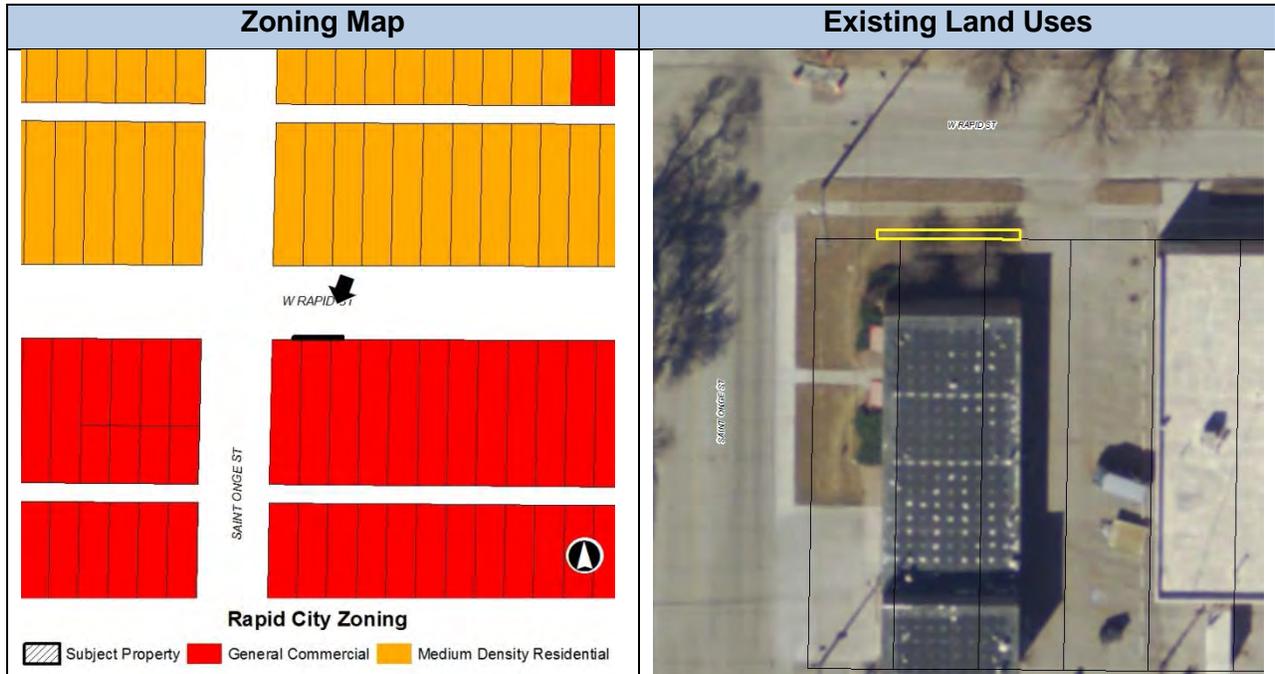
Applicant Request(s)
Case # 15VR012 – Vacation of Right-of-Way for a portion of West Rapid Street
Companion Case(s) #: 15VA004 – Variance to reduce the front yard setback from 25 feet to “0” feet

Development Review Team Recommendation(s)
<b>The Development Review Team recommends that the Vacation of Right-of-Way be approved with stipulation.</b>

Project Summary Brief	
<p>The applicant has submitted a Vacation of Right-of-Way application for a portion of West Rapid Street right-of-way located adjacent to a Lot 13 through Lot 16 of Block 16 of Green Acres Subdivision. The applicant has also submitted a Variance request (File #15VA004) to reduce the minimum required front yard setback from 25 feet to “0” feet. On June 17, 2004, the Zoning Board of Adjustment granted a Variance (File #CIVAR14-0012) to reduce the minimum required front yard setback from 25 feet 5 feet for a proposed building addition. The applicant subsequently constructed the addition which now encroaches 1.9 feet into the West Rapid Street right-of-way. The applicant is proposing to vacate this portion of the street right-of-way.</p>	
Applicant Information	Development Review Team Contacts
Applicant: GBA Inc, Bill Barber	Planner: Fletcher Lacock
Property Owner: Mark A Schreiner	Engineer: Ted Johnson
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Renner and Associates	Water/Sewer: Ted Johnson
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	404 Saint Onge Street
Neighborhood	West Rapid
Subdivision	Green Acres Addition
Land Area	0.002 acres (76.19 square feet)
Existing Buildings	Approximately 5,089 square feet
Topography	Relatively flat
Access	West Rapid Street and Saint Onge Street
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	GC	MUC	Commercial building
Adjacent North	MDR	UN	One-story dwellings
Adjacent South	GC	MUC	Office building
Adjacent East	GC	MUC	Commercial building
Adjacent West	GC	MUC	One-story dwellings



<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
CIVAR14 - 0012	6/17/14	Variance to reduce the front yard setback from 25 feet to 5 feet and to allow parking to back into the right-of-way	Approved
<b>Relevant Zoning District Regulations</b>			
<b>N/A</b>	<b>Required</b>	<b>Proposed</b>	
Lot Area	N/A	0.002 acres (76.19 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	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>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:</b>	
<b>Criteria</b>	<b>Findings</b>
1. The vacation serves the interest of the City by removing maintenance or liability risks.	The applicant was granted a Variance to reduce the minimum required front yard setback from 25 feet to 5 feet in order to construct a 20 foot by 40 foot addition onto an existing commercial building. The proposed addition was constructed and now encroaches into a portion of West Rapid Street right-of-way. The encroachment measures 1.9 feet by 40.1 feet. Vacating the right-of-way would remove the structure as an encroachment into public right-of-way.
2. The property interest being vacated is no longer necessary for City operations.	West Rapid Street is identified as a Local Street and requires that a minimum of 52 feet of right-of-way be provided. There will be approximately 62.1 feet of right-of-way remaining.
3. The land to be vacated is no longer necessary for the public use and convenience.	It appears that the requested vacation is not in an area that interferes with the existing street, utilities, or the sidewalk.

4. The vacation will not create any landlocked properties.	Access to the property is from West Rapid Street with additional parking being accessed from Saint Onge Street. The vacation will not create any landlocked properties.
5. The vacation will not render access to any parcel unreasonable.	As noted above, the vacation will not render access to any parcel unreasonable. The requested vacation is to address the encroachment of an existing structure into the right-of-way.
6. The vacation will not reduce the quality of public services to any parcel of land.	The utility companies have concurred with the proposed vacation request. In addition, Public Works staff has indicated that the requested vacation does not appear to affect any public services.

**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:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> West Rapid Street is identified as a Local Street requiring a minimum right-of-way width of 52 feet. The remaining right-of-way width would be approximately 62.1 feet.
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> 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.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	<b>Mixed-Use Commercial</b>
<b>Design Standards:</b>	
GDP-MU4	<b>Pedestrian Access and Orientation:</b> Mixed-Use Commercial identifies buildings closer to the street, parking on the side of the building, and clear pedestrian connections as design principles. The requested vacation promotes these design principles.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>West Rapid</b>
<b>Neighborhood Goal/Policy:</b>	
	The West Rapid Neighborhood Area identifies that existing commercial development is in need of reinvestment and revitalization. Though the structural addition encroaches into the right-of-way and requires a Variance, the addition supports the reinvestment in the commercial area.

<b>Findings</b>	
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 requested vacation does not appear to interfere with public services or private utilities and maintains sufficient right-of-way for a Local Street. The applicant's intention was to reinvest in an existing commercial property which is a recommendation of the West Rapid Neighborhood Area policy.	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
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.