



Rapid City Planning Commission

Vacation of Right-of-Way Project Report

April 7, 2016

Item #7
Applicant Request(s)
Case # 16VR001, Vacation of Right-of-Way for a portion of Wilma Street
Companion Case(s) #: File #16PL024, a Preliminary Subdivision Plan for the proposed Park Hill Subdivision No. 7 to create 22 residential lots
File #PW032916-07, A request to authorize the creation of an H Lot and for the City to accept the deed

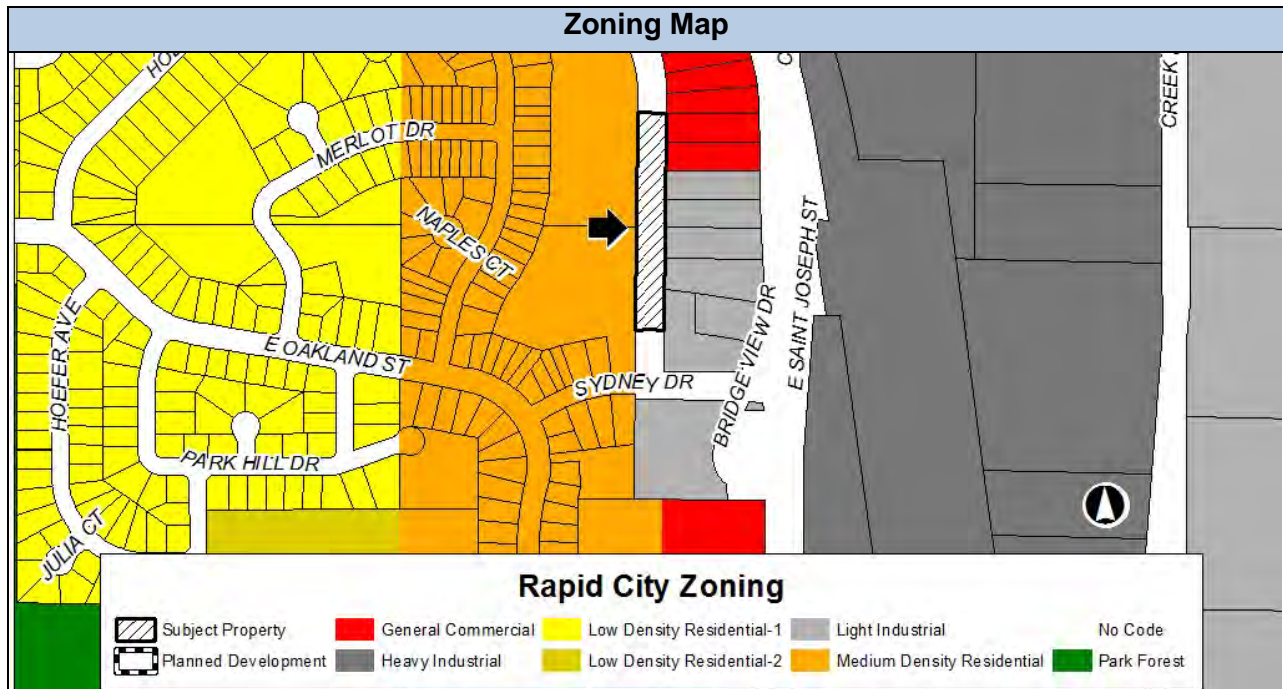
Development Review Team Recommendation(s)
The Development Review Team recommends that the Vacation of Right-of-Way request be approved with the stipulations noted below.

Project Summary Brief
<p>The applicant has submitted this Vacation of Right-of-Way application for a portion of the Wilma Street right-of-way located north of the existing Sydney Drive. The applicant has submitted associated Preliminary Subdivision Plan (File #16PL024) for the proposed Park Hill Subdivision No. 7 which will create 22 residential lots. In addition, the applicant has submitted a proposed H Lot to be known as Pendleton Drive (File #PW032916-07). The associated Preliminary Subdivision Plan is being heard at the April 7, 2016 Planning Commission meeting. The proposed H Lot was approved at the March 29, 2016 Public Works Committee meeting and is tentatively scheduled to be heard at City Council on April 4, 2016.</p>

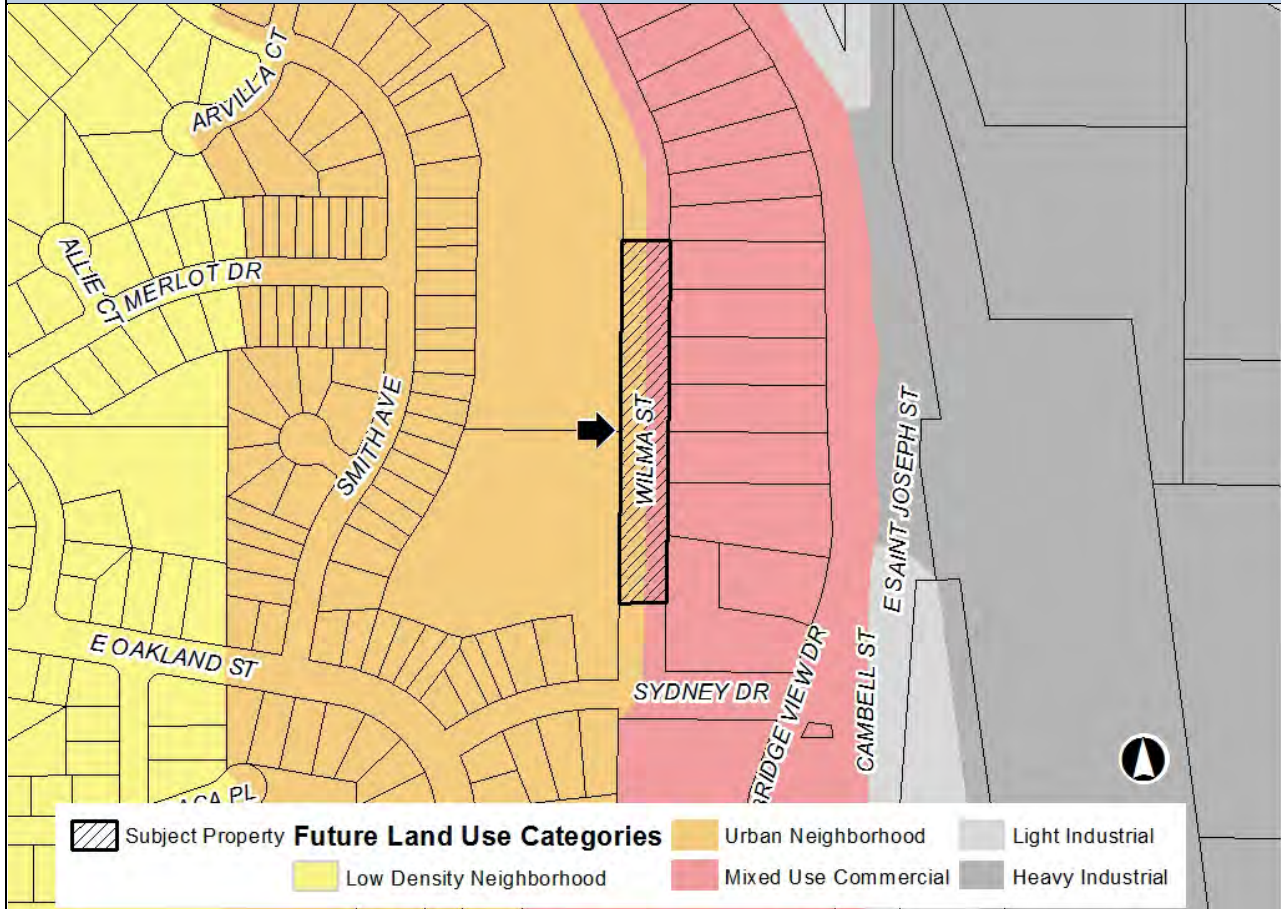
Applicant Information	Development Review Team Contacts
Applicant: Park Hill Development, Inc	Planner: Robert Laroco
Property Owner: Park Hill Development, Inc.	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: Sperlich Consulting, Inc.	School District: Kumar Veluswamy
Surveyor: Sperlich Consulting, Inc.	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Approximately
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Section 7, T1N, R8E, proposed Park Hill Subdivision No. 7
Land Area	1.73 acres, approximately 75,477.3 sq ft
Existing Buildings	No structural development
Topography	Hilly
Access	N/A
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	N/A

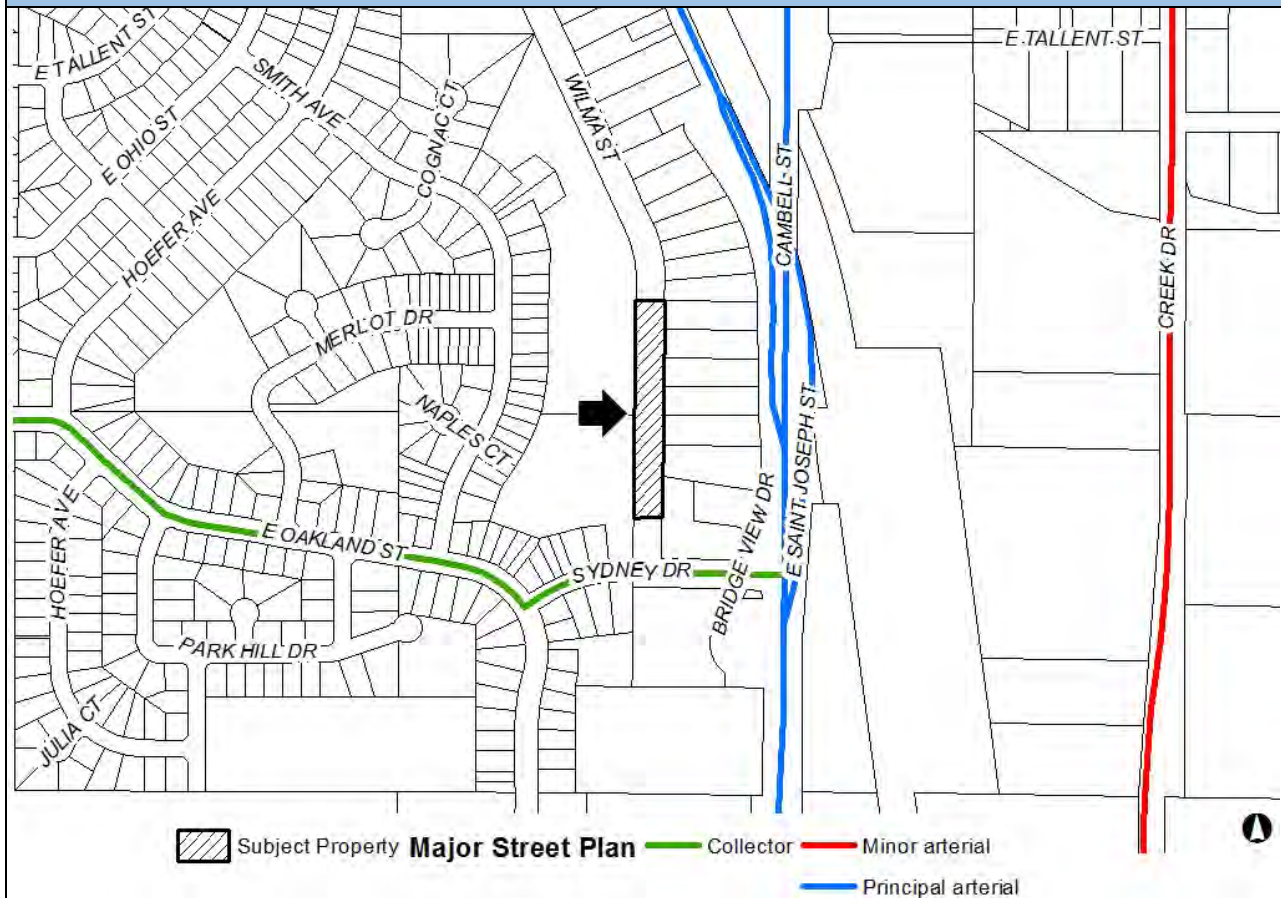
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	N/A	MUC, UN	Wilma Street right-of-way
Adjacent North	Right-of-way, GCD, LI, MDR	MUC, UN	Wilma Street right-of-way, mixed use commercial and light industrial
Adjacent South	Right-of-way, LI, MDR	MUC, UN	Mixed residential and light industrial
Adjacent East	LI, GCD	MUC	Mixed commercial and light industrial
Adjacent West	MDR	UN	Undeveloped



Comprehensive Plan Future Land Use



Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
N/A	Required	Proposed	
Lot Area	No minimum required	1.73 acres, approximately 75,477.3 sq ft	
Lot Frontage	No minimum required	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	

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 requested Vacation removes maintenance and liability risk for a portion of the existing Wilma Street right-of-way.
2. The property interest being vacated is no longer necessary for City operations.	The requested Vacation is for a portion of Wilma Street which has never been constructed. Public Works staff has noted that an existing private utility line is currently located within the Wilma Street right-of-way. The applicant is proposing to retain a private utility easement for the existing facilities. Prior to City Council approval, a revised utility easement exhibit must be submitted showing the location of the utility easement.
3. The land to be vacated is no longer necessary for the public use and convenience.	<p>The associated Preliminary Subdivision Plan shows an H Lot being proposed west of the Wilma Street right-of-way, to be known as Pendleton Drive to ensure access to the northern portions of Wilma Street that is not being vacated. The portions of Wilma Street requested for vacation are no longer necessary for public use. However, prior to City Council approval, the proposed H Lot must be recorded at the Register of Deeds.</p> <p>During review of the request, staff noted that there are existing encroachments located in the portions of Wilma Street right-of-way being retained south of the proposed vacation. These encroachments must be removed prior to</p>

	approval of this requested Vacation.
4. The vacation will not create any landlocked properties.	The requested Vacation does create one landlocked property, an unplatted balance located northwest of the intersection of Sydney Drive and Wilma Street. The applicant has submitted a proposed H Lot, to be known as Pendleton Drive, to be located west of the proposed Vacation which will serve to provide access to the northern portions of Wilma Street and adjacent properties. As such, the proposed H Lot must be recorded prior to City Council approval of this Vacation request.
5. The vacation will not render access to any parcel inaccessible.	Pending approval and recording of the proposed Pendleton Drive H Lot, the requested vacation will not render any parcel inaccessible.
6. The vacation will not reduce the quality of public services to any parcel of land.	Based on the associated Preliminary Subdivision plan, the requested Vacation will not reduce the quality of public services to any parcel of land, contingent upon approval of the proposed Pendleton Drive H Lot.

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-1.2A	<u>Priority Infill Areas:</u> The requested Vacation, in combination with the submitted Preliminary Subdivision Plan, will allow for the development of additional residential lots in an established residential neighborhood.
 A Vibrant, Livable Community	
N/A	N/A
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
TI-2.1H	<u>Infill and Redevelopment Coordination:</u> The requested Vacation, in combination with the submitted Preliminary Subdivision Plan, encourages the coordination of infill development with the needs and anticipated traffic of the area street network.
 Economic Stability and Growth	
N/A	N/A
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	<u>Public Input Opportunities:</u> The requested Vacation 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 requested 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.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial, Urban Neighborhood
Design Standards:	
N/A	N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
N/A	N/A

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 portion of Wilma Street proposed for vacation will no longer be required upon approval and recording of the proposed Pendleton Drive H Lot. Based on the associated Preliminary Subdivision Plan, the Vacation of Wilma Street is in the best interests of the City. The Wilma Street right-of-way is not necessary to maintain City operations or for public use and will not decrease the accessibility of property in the vicinity.

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Vacation of Right-of-Way be approved with the following stipulations:	
1.	Prior to City Council approval, the proposed H Lot to be known as Pendleton Drive shall be recorded at the Register of Deeds;
2.	Prior to City Council approval, the exhibit for the proposed private utility easement shall be revised to remove the easement located within the portion of Wilma Street being retained as right-of-way. An original Exhibit and three copies shall be submitted to Community Planning and Development Services for recording, and;
3.	Prior to City Council approval, all existing encroachments and structures located within the portion of Wilma Street right-of-way being retained shall be removed.