

STAFF REPORT
May 5, 2005

No. 05VR003 - Vacation of Right-of-way

ITEM 41

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Rushmore Waterslide, Childrens Care Hospital and School, D & V LLC, SIGBjornson Lmtd. Pntshp., Orthopedic Land Co. LLC and SSDH, Inc.
REQUEST	No. 05VR003 - Vacation of Right-of-way
EXISTING LEGAL DESCRIPTION	Right-of-way of Physician Drive, Old Rodeo Subdivision, located in the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.267 Acres
LOCATION	At the eastern terminus of Addison Avenue
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Development Designation)
East:	Office Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/8/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be approved with the following stipulation:

1. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS:

The applicants have submitted a Vacation of Section Line Highway request to vacate Physicians Drive located along the east lot line of Lots 2, 3 and 4 of Old Rodeo Subdivision. In addition, an Initial and Final Planned Commercial Development request to allow a medical clinic with associated offices to be constructed on Lot 4 of Old Rodeo Subdivision. (See

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companion item 05PD025.)

On October 1, 2001, the City Council approved a Final Plat to create Lot 2 of Old Rodeo Subdivision. (See file #01PL033.) On December 3, 2001, the City Council approved a Final Plat to create Lot 3 of Old Rodeo Subdivision. (See file #01PL115.) Lastly, on March 4, 2002, the City Council approved a Final Plat to create Lot 4 of Old Rodeo Subdivision (See file #01PL124.) Physicians Drive was dedicated as right-of-way as a part of the three adjacent Final Plats for Lots 2 thru 4 of Old Rodeo Subdivision.

Physicians Drive is located at the eastern terminus of Addison Avenue and, to date, has not been constructed.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-way request and has noted the following considerations:

Utilities: The Vacation of Right-of-way requires the permission of all affected utility companies. Of the six utility companies, only Montana Dakota Utilities and Black Hills Power have responded. Both utility companies concur with the Vacation of right-of-way request. Staff is recommending that prior to City Council approval, documentation must be submitted from the remaining utility companies indicating no objection to the vacation.

Major Street Plan: Physicians Drive was originally shown on the City's Major Street Plan as a collector street. However, the City Council has recently approved a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street east of the subject property. On April 7, 2005, the Comprehensive Plan Amendment to the Major Street Plan became effective.

Staff is recommending that the Vacation of Right-of-way be approved with the stipulation as outlined above.