

STAFF REPORT

July 24, 2003

No. 03VR006 - Vacation of Right-of-Way

ITEM 30

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bypass LLC
REQUEST	No. 03VR006 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	The south 1/2 of the section line right-of-way that is located along the north side of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	North and west of the intersection of I-90 and Elk Vale Road
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Light Industrial District/General Agriculture District
East:	Box Elder
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	06/13/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be tabled.

GENERAL COMMENTS:

The applicant is proposing to vacate the south half of a section line highway located along the north lot line of the subject property. On July 10, 2003 the Planning Commission recommended denial of a Variance to the Subdivision Regulations to waive the requirement to improve the section line highway and to allow platting the southern half of the section line highway. The Planning Commission also recommended approval of a Preliminary Plat to create seven commercial lots and 11 light industrial lots on the subject property. In addition, the Planning Commission recommended approval of a Comprehensive Plan Amendment to the Major Street Plan to relocate a minor arterial street and to relocate a collector street. City Council will hear these items at the July 21, 2003 City Council meeting. (See companion items #03SV023, 03PL067 and 03CA017.)

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On May 5, 2003, the City Council approved a Layout Plat to subdivide 139 acres into 34 lots. The Layout Plat included the subject property. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to improve Elk Vale Road with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

The property is located north and west of the intersection of I-90 and Elk Vale Road and is currently void of any structural development.

STAFF REVIEW:

Upon further review of the Vacation of Right-of-way application, staff has noted that the adjacent property owner located directly north of the subject property has not signed the Petition to Vacate the Right-of-way. As such, the Planning Commission and/or the City Council can not take action on the request. The applicant has indicated that he is unable to obtain the signature at this time. As such, staff is recommending that the Vacation of Right-of-way request be tabled until such time as all necessary signatures are obtained on the petition.