

STAFF REPORT
April 7, 2005

No. 04VR011 - Vacation of Right-of-Way

ITEM 6

GENERAL INFORMATION:

PETITIONER	Lyle Henriksen for Chase & Company, LPI
REQUEST	No. 04VR011 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	That portion of Greenway Street right-of-way lying between the east line of Holcomb Avenue right-of-way and a line between the south corner of Lot 3 and the east corner of Lot 19 of Block 1 of Millard Addition, located in NE1/4 of NE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .381 acres
LOCATION	Along Greenway Street between Holcomb Avenue and North Maple Avenue
EXISTING ZONING	Right-of-Way
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/29/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be **denied without prejudice.**

GENERAL COMMENTS:

(March 29, 2005 Update) This item was continued at the February 24, 2005 Planning Commission meeting to allow the applicant to evaluate the future development of the surrounding properties. Staff notified the applicant at that time that an application for a Planned Residential Development - Initial and Final Development Plan must be submitted by March 11, 2005 or staff would recommend that the Vacation of Right-of-Way application be denied without prejudice. As of this writing, the applicant has not submitted the required Planned Residential Development application. As such, staff recommends that this request be denied without prejudice.

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(February 14, 2005 Update) This item was continued at the January 27, 2005 Planning Commission meeting to time for the applicant to evaluate the future development of the surrounding properties.

Staff has contacted the applicant's representative, who indicated that the future development of the surrounding properties is undetermined at this time. As such, staff is recommending that this item be continued to the April 7, 2005 Planning Commission meeting to allow time for the applicant to determine the future development of the surrounding properties. If information is not submitted prior to March 11, 2005 staff will recommend that the application be denied without prejudice.

(January 18, 2005 Update) This item was continued at the January 6, 2005 Planning Commission meeting to time for the applicant to evaluate the future development of the surrounding properties.

Staff has contacted the applicant's representative, who indicated that the future development of the surrounding properties is undetermined at this time. As such, staff is recommending that this item be continued to the February 24, 2005 Planning Commission meeting to allow time for the applicant to determine the future development of the surrounding properties.

(December 28, 2004 Update) This item was continued at the December 9, 2004 Planning Commission meeting to allow staff to make additional site visit and re-evaluate the impacts the request may have on the adjacent property owners and the street network in the area.

(This Staff Report was revised on November 30, 2004. All revised and/or added text is shown in bold text.) This item was continued at the November 24, 2004 Planning Commission meeting at the applicant's request.

On November 29, 2004 staff contacted the architect for the project and discussed the applicant's request to have the item continued at the November 24, 2004 Planning Commission meeting. At that time a meeting was scheduled with the architect for the project and staff. On December 8, 2004 staff will meet with the architect for the project to discuss issues relating to the request.

The subject property is a public street located north of College Avenue and south of Anamosa Street between North Maple Avenue and Holcomb Avenue. The right-of-way was originally platted in 1947 and is currently being use as a public street. Currently there are seven apartment buildings with 34 dwelling units and one single family residence that take access from Greenway Street. The applicant is proposing to vacate approximately 410 lineal feet of public right-of-way.

STAFF REVIEW: Staff has reviewed the proposed Vacation of Right-of-Way request and noted the following issues:

Utilities: The Montana Dakota Utilities Company and Black Hills Power have indicated that they both have facilities located within the Greenway Street right-of-way. Staff also noted that there is a water main and a sanitary sewer man hole located within the Greenway Street

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right-of-way. As such, the area proposed for vacation would need, at a minimum, to be retained as a utility easement.

Exhibit "A": The applicant's Exhibit "A" for the proposed vacation of right-of-way does not show the entire right-of-way to be vacated. A 600 square foot triangular portion of the right-of-way located adjacent to North Maple Avenue is not proposed to be vacated. A partial vacation of the street right-of-way would not appear to be appropriate.

Traffic Operations: As previously indicated the existing Greenway Street right-of-way provides legal access to seven apartment buildings and one single family residence. The right-of-way also provides legal access to numerous mail boxes associated with the dwelling units located on Greenway Street. Greenway Street currently functions as a public right-of-way and has for many years. The vacation of the Greenway Street right-of-way will have an adverse impact on the neighborhood by jeopardizing the existing road network. As such staff recommends that this request to vacate a portion of Greenway Street right-of-way be denied.

On December 16, 2004 staff inspected the area of the proposed vacation of right-of-way and re-evaluated the impacts the request may have on the adjacent property owners and the street network in the area. Staff determined that if adequate steps were taken to address traffic circulation, utility relocation and mitigate the effects of additional construction on the adjacent property, the vacation would be appropriate. A public access and utility easement will need to be provided where Greenway Street is currently located.

Staff recommends that the vacation of right-of-way request be **denied without prejudice as the applicant did not submit the Planned Residential Development – Initial and Final Development Plan by the March 11, 2005 date.**