

STAFF REPORT  
March 6, 2006

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**No. 06VR001 - Vacation of Right-of-Way**

**ITEM 30**

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GENERAL INFORMATION:

PETITIONER	Centerline for Founder's Park, LLC
REQUEST	<b>No. 06VR001 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	West Street Right-of-Way adjacent to Philadelphia Street and West Chicago Street, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35 acres
LOCATION	1350 West Chicago
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/13/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

- 1. Prior to City Council approval, the applicant shall enter into an agreement with the City to insure that West Street shall remain in place with adequate easement(s) being recorded at the Register of Deed's Office and to insure the coordination of the removal and construction of access street(s) as needed.**

GENERAL COMMENTS:

**(Update, February 28, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 23, 2006 Planning Commission meeting at the applicants' request. In particular, the applicants requested that this item and all of the associated items be continued to allow them additional time to address access issues through the subject property and to adjacent properties. On February 28, 2006, staff met with the applicants and their consultant to discuss the access issues. The applicants have proposed that pedestrian access be provided to the City park land along the south property line of the subject property. In addition, a private**

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**easement to serve as access for service vehicles and adjacent property owners will be provided along the western portion of the property.**

(Update, February 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 9, 2006 Planning Commission meeting at the applicant's request. In particular, the applicant requested that this item and all of the associated items be continued to allow them additional time to address access issues through the subject property to adjacent properties. To date, this issue has not been resolved. As such, staff is recommending that this item be continued to the March 9, 2006 Planning Commission meeting. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Vacation of Right-of-Way request to vacate West Street as it abuts the subject property. The applicant has also submitted a Layout Plat to subdivide the subject property into three lots to be known as The Village at Founders Park. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the proposed commercial street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an existing 60 foot wide road easement; and, to waive the requirement to install curb, gutter sidewalk street light conduit, water, sewer, to reduce the pavement width from 24 feet to 20 feet and to reduce the right-of-way width from 49 feet to 20 feet for a proposed 20 foot wide pedestrian and service easement. The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan to eliminate West Street as a collector street. The applicant has also submitted an Initial Planned Residential Development to allow a mix of multi-family units and office use to be constructed on the subject property. (See companion items #06PL001, 06CA001, 06SV001 and 06PD001.)

The property is located at the western terminus of W. Chicago Street and is currently void of any structural development.

STAFF REVIEW:

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

Signature(s): The property located along the east side of West Street is owned by the City requiring that authorized representative(s) from the City sign the Vacation of Right-of-way Petition. As such, staff is recommending that prior to Planning Commission approval, the applicant must obtain authorization from the City Council for the Mayor and Finance Officer to sign the Vacation of Right-of-way Petition. **The applicant has requested and the City Council has subsequently approved authorization for the Mayor and Finance Officer to sign the Vacation of Right-of-way Petition.**

Road Connection/Master Plan: The associated Layout Plat identifies that the applicant is proposing to construct a north-south commercial street through the subject property. Staff has reviewed the proposed location of the commercial street and has noted that it continues to provide roadway network continuity between properties. In addition, the applicant has submitted a Master Plan demonstrating that street continuity and utility connections are being provided to the adjacent properties. As such, staff is recommending that the Vacation of Right-of-Way request be approved. However, the timing of the actual construction of the

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north-south commercial street and the vacation of West Street must be coordinated to insure that a physical street connection is being provided to adjacent properties as needed. As such, staff is recommending that the applicant enter into an agreement with the City to insure that West Street remain in place with adequate easement(s) being recorded at the Register of Deed's Office as and to insure the coordination of the removal and construction of access street(s) as needed.

**Staff is recommending that the Vacation of Right-of-way request be approved with the stipulation of approval as identified above.**