

STAFF REPORT
February 4, 2010

No. 10VR001 - Vacation of Right-of-Way

ITEM 25

GENERAL INFORMATION:

APPLICANT	Greg Amble for Good Samaritan Society
AGENT	FMG, Inc.
PROPERTY OWNER	Good Samaritan Society
REQUEST	No. 10VR001 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	The St. Martin's Road right-of-way located in the S1/2, Section 29 excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.65 acres
LOCATION	West of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road
EXISTING ZONING	General Agriculture District - Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District - General Agriculture District - Medium Density Residential District (Planned Residential Development)
South:	General Agriculture District - Low Density Residential District (Planned)
East:	Low Density Residential District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/8/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way request be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall provide temporary access easements to insure that the existing St. Martins Drive shall remain in place until such time as the alternate street is constructed and accepted by the City and the associated H Lots are recorded; and,
2. Prior to City Council approval, all of the affected utility companies shall submit written

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document indicating concurrence with the request; and,

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate approximately 3,000 linear feet of St. Martin's Drive right-of-way located north of the intersection of Jake Road and St. Martins Drive. In addition, the applicant has submitted a SDCL 11-6-19 Review (File #10SR001) to relocate St. Martins Drive as it extends through the applicant's property.

A previously submitted Final Residential Development Plan (File #09PD053) to allow Phase One of the "Good Samaritan St. Martin Senior Living Campus" to be constructed on the property has been continued to the March 3, 2010 Planning Commission meeting to allow the applicant to address outstanding issues. The applicant has indicated that the development will be constructed in five phases and is intended to provide a senior citizen campus with a wide range of living options. Phase One will include constructing 100 one story townhomes with attached garages and constructing the utilities and roads to serve the townhomes.

On October 25, 2007, the Planning Commission approved an Initial Residential Development Plan (#07PD075) for all five phases to allow an assisted living center, a skilled care facility, a retreat center, a townhome development and an apartment complex to be constructed on the property.

On November 5, 2007, the City Council approved a Comprehensive Plan Amendment to the Major Street Plan (#07CA042) to eliminate collector streets extending through the property. In addition, the City Council approved a Rezoning request (#07RZ064) to change the zoning designation of the property from General Agriculture District to Medium Density Residential District.

The property is located west of S.D. Highway 79, also known as Sturgis Road, and south of Hidden Valley Road. Saint Martin's Drive, extending west from Sturgis Road and City Springs Road, extending from the south, provide access to the site. Currently, the property is void of any structural development.

STAFF REVIEW:

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

St. Martins Drive: St. Martins Drive right-of-way extends through the property from City Springs Road north to Sturgis Road. To date, the southern portion of the St. Martins Drive right-of-way has not been constructed. The site plan submitted with the associated Final Residential Development Plan identifies several townhomes to be constructed within the undeveloped portion of the right-of-way. The applicant has, subsequently, submitted a request to vacate approximately 3,000 feet of the St. Martins Drive right-of-way. In addition, the applicant has submitted a SDCL 11-6-19 Review to relocate the street securing an alternate street connection through the property to City Springs Road. In particular, the SDCL 11-6-19 Review includes authorizing the acceptance of H Lots for the alternate street location and the construction of the street.

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In order to insure legal access is being maintained through the site to City Springs Road, staff recommends that prior to City Council approval, the applicant provide temporary access easements to insure that the existing St. Martins Drive shall remain in place until such time as the alternate street is constructed and accepted by the City and the associated H Lots are recorded.

Utilities: To date, the applicant has not submitted written documentation from all of the affected utility companies indicating concurrence with the Vacation of Right-of-way request. As such, staff recommends that prior to City Council approval, written documentation must be provided showing that all of the affected utility companies concur with the Vacation of Right-of-way request.

Street Networking: St. Martins Drive is identified as a collector street on the City's Major Street Plan. Relocating the street as proposed continues to secure a street connection through the property in compliance with the City's Major Street Plan. In addition, the applicant has submitted construction plans with the associated SDCL 11-6-19 Review demonstrating that the street will be constructed to collector street standards.

Staff recommends that the Vacation of Right-of-way request be approved with the stipulations of approval as identified above.