

STAFF REPORT
April 10, 2014

No. 14VR001 - Vacation of Right of Way

ITEM 6

GENERAL INFORMATION:

APPLICANT	South Dakota School of Mines and Technology
AGENT	FMG, Inc.
PROPERTY OWNER	South Dakota School of Mines and Technology
REQUEST	No. 14VR001 - Vacation of Right of Way
EXISTING LEGAL DESCRIPTION	That portion of Hawthorne Avenue lying north of East Saint Andrew Street located in the E1/2 of the SE1/4 of the SW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	
LOCATION	That portion of Hawthorne Avenue lying north of East St. Andrew Street
EXISTING ZONING	Park Forest District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 14, 2014
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Vacation of Right of Way be approved in conjunction with the associated Comprehensive Plan Amendment and with the following stipulation:

1. Prior to City Council approval, the applicant shall record an access easement on the property to accommodate future development of a pedestrian and bicycle path as a part of the City's adopted Area Pedestrian and Bicycle Master Plan. A copy of the recorded access easement shall be submitted to Community Planning and Development Services;

GENERAL COMMENTS: **(Update April 10, 2014. All additional or revised text is included in bold print.) This application was continued to the April 10, 2014 Planning**

STAFF REPORT
April 10, 2014

No. 14VR001 - Vacation of Right of Way

ITEM 6

Commission meeting to allow legal notification requirements to be met. It should also be noted that staff received a letter of opposition to this request from a neighboring property owner. The applicant visited with the neighboring property owner to discuss concerns regarding access to their property and the realignment of the future collector street on the City's Major Street Plan. As a result of the discussion, the neighboring property owner no longer opposes the proposed Vacation or Comprehensive Plan Amendment. No additional inquiries into the proposed Vacation of Right-of-Way or associated Comprehensive Plan Amendment have been received.

The South Dakota School of Mines and Technology has submitted a request to vacate a portion of Hawthorne Avenue located south of the existing school campus. School of Mines representatives recently met with City staff to discuss plans to create additional student and faculty parking. Plans show that portions of the proposed parking lot would be located within the Hawthorne Avenue right-of-way. In addition, plans show that portions of the Hawthorne Avenue right-of-way are identified as a future collector street on the City's Major Street Plan. During discussion with School of Mines' representatives, City staff determined that the proposed minor arterial street should be altered to better address anticipated traffic flows as the area continues to develop. As such, the City of Rapid City has submitted an associated Comprehensive Plan Amendment (File #14CA001) to alter the alignment and extent of the proposed minor arterial street. The request has been placed on the March 27, 2014 Planning Commission agenda. The requested realignment of the Major Street Plan will eliminate the proposed collector street located within the Hawthorne Drive right-of-way.

The applicant has indicated that once Hawthorne Avenue has been vacated they will be submitting a Lot Line Consolidation Plat application to consolidate the lots and the vacated right of way into one lot.

The property is located north of the intersection of Hawthorne Avenue and East Saint Andrew Street. The property is currently undeveloped.

STAFF REVIEW: Staff has reviewed the request Vacation of Right-of-Way pursuant to the requirements of the Rapid City Municipal Code and has noted the following considerations:

Public Works Comments: Public Works staff has noted that the requested Vacation creates lots which would not abut a public street frontage as required per the Rapid City Municipal Code. The applicant has indicated their intent to consolidate these lots and the vacated right-of-way following the completion of this Vacation request. The applicant has submitted a Developmental Lot Agreement which will serve to secure access to all portions of the property until such time as the Lot Line Consolidation Plat can be completed.

Transportation Planning Comments: Transportation Planning staff has noted that portions of the Hawthorne Avenue right-of-way are identified as the location of a future collector street on the City's Major Street Plan. In order to support the request, the Major Street Plan must be realigned to remove those portions from the Hawthorne Avenue right-of-way. During review of this request, staff noted that removing the future collector street from the School of Mines campus and realigning other portions of the future street to the south of the properties would provide better access and traffic flow for anticipated traffic volumes. Staff submitted

STAFF REPORT
April 10, 2014

No. 14VR001 - Vacation of Right of Way

ITEM 6

an associated Comprehensive Plan Amendment to revise the City's Major Street Plan. The request is scheduled to be heard at the March 27, 2014 Planning Commission meeting. Staff recommends that the request Vacation of Easement be approved in conjunction with the associated Comprehensive Plan Amendment.

During review of this request, Transportation Planning staff also noted that a future bicycle and pedestrian path is proposed to be located within the Hawthorne Avenue right-of-way. In order for staff to support the requested Vacation, a public access easement must be retained on the property to ensure the future pedestrian and bicycle path can be provided. Prior to approval by City Council, a public access easement must be recorded for the property. A copy of the recorded public access easement must be submitted to Community Planning and Development Services.

Rapid City Fire Department: The Rapid City Fire Department has not noted any significant impacts of the proposed Vacation request.

Utility Concurrence: All affected utility companies have reviewed the requested Vacation of Right-of-Way and indicated that they do not have facilities within the alleyway or concur with the proposed Vacation of Right-of-Way so long as a utility easement is retained within the alley.

Summary: The requested Vacation of right-of-way is for a portion of Hawthorne Avenue located on property that will be developed as a part of the South Dakota School of Mines and Technology campus. The School is proposing to construct more student and faculty parking and have requested that the Hawthorne Avenue right-of-way be vacated and portions of the Major Street Plan be revised to accommodate this development. An associated Comprehensive Plan Amendment has been submitted to revise the Major Street Plan and remove portions of the Major Street Plan currently located within the Hawthorne Avenue right-of-way. The Public Works Department has indicated that access must be maintained throughout the property and Transportation Planning has indicated that an access easement must be retained for a future pedestrian and bicycle path. A Developmental Lot Agreement has been submitted in order to secure access to all portions of the property. An access easement must be recorded for the property prior to final approval by the City Council. All affected utilities have indicated their concurrence with the request. For these reasons, staff recommends that the requested Vacation of right-of-way be approved in conjunction with the associated Comprehensive Plan Amendment and with the stipulation outlined above.