

STAFF REPORT

June 5, 2003

No. 03VR001 - Vacation of Right-of-Way

ITEM 23

GENERAL INFORMATION:

PETITIONER	TSP Three, Inc.
REQUEST	No. 03VR001 - Vacation of Right of Way
EXISTING LEGAL DESCRIPTION	Lot 10A, Block 1, Owen Mann Subdivision; Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 acres
LOCATION	The cul-de-sac along Kinney Court
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District/Office Commercial District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District/Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	04/11/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

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

Urban Planning Division Recommendations:

1. **Prior to City Council approval of the vacation of right of way the curbing shall be completed around the remaining portion of Kinney Court that is not being vacated or surety shall be posted for the amount to complete the project;**
2. **Prior to City Commission approval of the vacation of right of way, legal description be changed to Lot 1, Lot 13 Less Lot H2, Lot 14 less Lot H2, Lot 15 less Lot H2, and Lot 16 Less Lot H2, Block 1, of the Owen Mann Subdivision, Section 33, T2N, R7E, B.H.M.**

GENERAL COMMENTS: The applicant is proposing to vacate a portion of a public right of

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way located along Kinney Court. The portion of Kinney Court that is proposed to be vacated is the portion that abuts Lots 10A & 12 through 16 less Lot H-2 & H-3, Block 1, Owen Mann Subdivision.

Kinney Court is public right of way. The applicant is proposing to use the site for a Builders Supply store.

STAFF REVIEW: Staff recommends that the vacation of Right of Way be continued in conjunction with the corresponding Initial and Final Development Plan for the Planned Development Designation. Staff is recommending the vacation be continued to attempt to mitigate the impacts of the Initial and Final Development Plan. **Staff has reviewed the proposed Vacation of Right of Way and noted the following issues:**

Utilities: The utility companies that could potentially locate within this right of way have verified that they do not have any utilities located in this area. In addition, the utility companies have verified that they do not have any long term plans to locate utilities within this area.

Curbing: A revised site shall be submitted showing curbs around the portion of Kinney Court which is not vacated. These curbs shall increase the ability of that portion of Kinney Court which is not vacated to function properly and adequately with the surrounding land uses.

Based on the information referenced above, Staff supports the vacation of the Right of Way with the stated stipulations.