

STAFF REPORT
September 22, 2005

No. 05VR011 – Vacation of Right-of-Way

ITEM 36

GENERAL INFORMATION:

PETITIONER	E. Dallas Wasserburger for Mountain Shadows Townhome Owners Association, Inc.
REQUEST	No. 05VR011 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the Chancery Lane Public Right-of-Way as shown on the Plat of Lots A and B of Block 1, Lots 1-10 of Block 2, and Tract A, all in Mountain Shadows Subdivision, located in the SW1/4 SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .0019 acres
LOCATION	Intersection of Sheridan Lake Road and Chancery Lane
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	8/23/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION:

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

1. Prior to obtaining a sign permit, a Minor Amendment to the Planned Residential Development to allow the stone sign to be located in the island shall be submitted for review and approval; and,
2. Prior to obtaining a sign permit, a Variance to the Sign Board of Appeals shall be submitted and approved to allow a reduced setback for the placement of the sign in the island.

GENERAL COMMENTS: The subject property is located at the intersection of Sheridan Lake Road and Chancery Lane. The subject property is located within an existing Planned

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Residential Development that was approved by the City Council in 1984. A wood sign identifying the Mountain Shadows Subdivision, located in the right-of-way, was approved at that time. The sign has deteriorated over time and has recently been removed. The Mountain Shadows Townhome Owners Association has requested to replace the sign with a stone sign. The City Council at their August 15, 2005 meeting, recommended that the applicant proceed with a Vacation of Right-of-Way request. As a new sign cannot be permitted in a right-of-way, the Attorney's Office staff recommended that the right-of-way island that housed the sign be vacated. The subject property is zoned Low Density Residential District with a Planned Residential Development. The properties located north, south and east of the subject property are zoned Low Density Residential District with a Planned Residential Development. The property located west of the subject property is zoned Low Density Residential District.

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

Utilities: The utility companies have been contacted and have indicated that they have no utilities in this right-of-way. As such, all the utility companies recommended approval of the Vacation of Right-of-Way. The Rapid City Public Works Department staff has indicated that there are no water utilities located within the subject right-of-way and the street right-of-way width on both sides of the island is sufficient for any future expansion of utilities. The Public Works Department staff also indicated that, with the understanding that there is no option available to allow the installation of the sign on site, they do not have an objection to the vacation.

Planned Residential Development: The right-of-way is located within a Planned Residential Development. As such, upon approval of the Vacation of Right-of-Way, a Minor Amendment to the Planned Residential Development must be submitted for approval to allow for a stone sign to be placed on the island.

Setback requirement: Chapter 15.28.200.C of the Rapid City Municipal Code states that on premise ground signs be located ten feet from the property line. The setback regulations for on-premise signs would not be met by the property boundaries of the right-of-way island. If the Vacation of Right-of-Way is approved, a request for a variance to the Sign Board of Appeals to reduce the setback for the on-premise sign will need to be submitted and approved.

Upon the approval of a Vacation of Right-of-Way, the property will revert to the adjacent property owners. Typically a right-of-way is obtained equally from each property owner; therefore, the Vacation of the Right-of-Way would return an equal amount of property back to the adjacent property owners. It should be noted that with the approval of the Vacation of Right-of-Way and subsequently individual property owners owning the island of land within a right-of-way entrance, possible future changes to the entrance into the Mountain Shadows Subdivision could be problematic. However, the Public Works Department staff has indicated that since the width of the street right-of-way on either side of the island is sufficient, the Street Division of the Public Works Department should be able to address most issues that may arise in the future.

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Staff is recommending that the Vacation of Right-of-way be approved with the stated stipulations.