

STAFF REPORT
January 10, 2008

No. 07VR015 - Vacation of Right-of-Way

ITEM 85

GENERAL INFORMATION:

APPLICANT/AGENT	FFFZ, LLC
PROPERTY OWNERS	FFFZ, LLC, HOLLAND REAL ESTATE, LLC, and VERLE and FRIEDA FENSTER
REQUEST	No. 07VR015 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Kirkeby Lane right-of-way adjacent to Tract FW-2 of FW-1 Addition, and Lots 8 thru 14 of Log Cabin Park Subdivision, Section 35, T2N, R7E, and Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.15 acres
LOCATION	1830 West Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/14/2007
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

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

1. Prior to Planning Commission approval, written documentation shall be received from all the affected utility companies concurring with the vacation of Right-of-Way request; and,
2. Prior to Planning Commission approval, all necessary miscellaneous documents required to secure utility and drainage easements for the existing and proposed utilities shall be recorded at the Register of Deed's Office.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-Way request to vacate a portion of Kirkeby Lane right-of-way adjacent to Tract FW-2 of FW-1 Addition, and Lots 8 thru 14 of Log Cabin Park Subdivision, Section 35, T2N, R7E, and Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The property is located north of West Main Street and east of Mountain View Road. The reason for the Vacation of Right-of-Way request is to

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develop a parking lot for a commercial business.

STAFF REVIEW:

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

Petition to Vacate Public Right-of-Way: The applicant and the adjacent property owners have submitted a petition to vacate a portion of Kirkeby Lane right-of-way that extends through the property to allow for the development of a parking lot for a commercial business. The adjacent properties have access from the west and south with the existing Mountain View Road and Kirkeby Lane right-of-ways.

Utilities: Staff has not received responses from all of the affected public utility companies. Midcontinent has no issues with the proposed right-of-way vacation. Black Hills Power stated that they have an overhead power line located in the right-of-way proposed to be vacated. Qwest stated they have facilities in the existing right-of-way. Montana Dakota Utilities stated they have a gas main and service lines in the existing right-of-way. Black Hills Power, Qwest and Montana Dakota Utilities would require an easement to access their facilities. PrairieWave Communications has not submitted a response to the proposed Vacation of Right-of-Way request. In addition, an existing water main and drainage channel is located within the right-of-way. As such, staff recommends that prior to Planning Commission approval, written documentation shall be received from all the affected utility companies concurring with the vacation of right-of-way request and all necessary miscellaneous documents required to secure utility and drainage easements for the existing and proposed utilities shall be recorded at the Register of Deed's Office.

Street Networking: The right-of-way is not identified on the Major Street Plan as an arterial and/or collector street. In addition, all of the adjacent properties have an alternate means of access and a railroad right-of-way is directly to the north of this portion of Kirkeby Lane limiting the ability to extend the road to the north. As such, staff is recommending that the Vacation of Right-of-Way be approved.