

STAFF REPORT
June 25, 2009

No. 09VR005 - Vacation of Right-of-way

ITEM 28

GENERAL INFORMATION:

APPLICANT	Tom Rau and Dana Vogt
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Sherwood & Lila Mae Corner
REQUEST	No. 09VR005 - Vacation of Right-of-way
EXISTING LEGAL DESCRIPTION	Lot 16 of Block 2 and Lot 18 of Block 1 of Country Club Heights, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.09 acres
LOCATION	2809 and 2812 Frontier Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be approved with the following stipulation:

1. Prior to City Council approval, the utility easement document shall be signed by the adjacent property owners, Dana Vogt, Thomas Rau, Sherwood L. Corner and Lila Mae Corner. Upon approval of the Vacation of Right-of-way request and the subsequent recording of the Vacation Resolution at the Register of Deed's Office, the utility easement shall be recorded to insure that the existing utilities are secured within an easement.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate the cul-de-sac bulb at the end of Frontier Drive. The cul-de-sac bulb is an unimproved street. Currently, two gravel driveways are constructed within this area of the street. The driveways serve as access to the two single family residences located on the two adjacent lots, respectively.

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The right-of-way for this portion of Frontier Drive was originally platted in 1959 as a part of the Country Club Heights Subdivision. The two adjacent lots, Lot 18, Block 1 and Lot 16, Block 2 were subsequently platted in October of 1959 which also dedicated the cul-de-sac bulb for Frontier Drive as right-of-way.

STAFF REVIEW:

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

Utility Easement: Currently, a City water main and service lines, a City sewer main, manhole and service lines and an underground gas line are located within the cul-de-sac bulb. The applicant has submitted an Exhibit "A" indicating that the cul-de-sac bulb will be retained as a utility easement. Staff recommends that prior to City Council approval, the utility easement document be signed by the adjacent property owners, Dana Vogt, Thomas Rau, Sherwood L. Corner and Lila Mae Corner. Upon approval of the Vacation of Right-of-way request and the subsequent recording of the Vacation Resolution at the Register of Deed's Office, the utility easement will be recorded to insure that the existing utilities are secured within an easement.

Street Networking: Frontier Drive is not identified on the City's Major Street Plan. In addition, topographic constraints exist on the two adjacent properties that limit any future subdivision. In particular, the properties slope from south to north with a 60 foot differential between the existing residences and the driveway elevations located within the cul-de-sac bulb. The properties to the south are developed. The land to the west is dedicated park land and part of the Meadowbrook Golf Course. As such, the street will not be extended through the properties in the future and future subdivision of the property is unlikely.

Vacating the cul-de-sac bulb will result in an approximate 120 foot long street measured from the intersection of Tomahawk Drive south to the terminus of Frontier Drive. The Fire Department has indicated that since the street is less than 150 feet in length, a turnaround is not needed.

Driveway: As noted above, two gravel driveways are currently located within the cul-de-sac bulb. The applicant is proposing to pave the driveway that serves as access to the residence located on Lot 18, Block 1. However, would require that the applicant construct the cul-de-sac bulb to City Street Design Standards with a minimum 96 foot diameter pavement surface, curb, gutter, sidewalk, street light conduit, water and sewer. As such, the applicant is proposing to vacate the right-of-way which then allows the applicant to pave the driveway as proposed.

Staff met on the site with the applicant and concurs that the properties steep topography, existing building layout and the developed nature of the surrounding area limits further subdivision. In addition, due to the steep topography of the two lots, it does not appear that any additional building envelopes exist to warrant any future subdivision.

Please note that if the topographic constraints did not exist, staff would not support vacating the cul-de-sac bulb. In point, the City has recently required that a turnaround be provided at

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the end of Bunker Drive as a part of platting one of the adjacent properties. In particular, it was noted that the topography of the adjacent properties supports future subdivision. In addition, one of the adjacent property owners has stated to the City that he anticipates subdividing his parcel in the future. It was also noted that several potential building envelopes exist on the two abutting properties which again supports future subdivision. Staff identified that this request varied significantly from the factual situation presented as part of the Bunker Drive issue.

Staff recommends that the Vacation of Right-of-way request be approved with the stipulation as noted above.