

STAFF REPORT
May 24, 2012

No. 12VR002 - Vacation of Right-of-Way

ITEM 7

GENERAL INFORMATION:

APPLICANT	President's Plaza, LLC
AGENT	Hani Shafai for Dream Design International, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 12VR002 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the 6th Street right-of-way lying adjacent to Tract A of Block 95 in the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .042 acres
LOCATION	The east 13 feet of 6th Street located south of Saint Joseph Street to the alley
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	4/27/2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. Prior to City Council approval, a pedestrian, drainage, and utility easement shall be submitted to Community Planning and Development Services.

GENERAL COMMENTS: The applicant has submitted a request to vacate a 13 foot wide by 140 foot long portion of Sixth Street right-of-way located between Saint Joseph Street and Kansas City Street, in downtown Rapid City. The applicant has also requested to vacate portions of the right-of-way along Fifth Street (File #12VR003) and Saint Joseph Street (File #12VR004). All three Vacation of Right-of-Way requests are associated with the President's

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Plaza Planned Development (File #12PD018). The proposed Vacation of Right-of-Way will allow the construction of a canopy along the western edge of the proposed President's Plaza development. The canopy will extend from the building edge across the eastern Sixth Street sidewalk. Plans submitted as a part of the President's Plaza Planned Development show that the portions of right-of-way proposed for vacation will be used as a pedestrian access easement and a loading and unloading zone for the proposed hotel.

The right-of-way proposed to be vacated is located south of the intersection of Saint Joseph Street and Sixth Street between Saint Joseph Street and the alley, adjacent to the property of the proposed President's Plaza Planned Development. Currently the property is developed as a City-owned parking lot.

STAFF REVIEW: Staff has reviewed the request for the Vacation of Right-of-Way and has noted the following considerations:

Easement: Plans submitted for the President's Plaza Planned Development propose a canopy to be located on the west side of the structure. In order for the proposed canopy to be located across the sidewalk as designed, the applicant has requested that 13 feet of right-of-way be vacated from the Sixth Street right-of-way. The vacation of right-of-way would create a private sidewalk to be located on the interior of the property, rather than at the property line. All affected utility companies have indicated their concurrence with the requested Vacation, however, some utilities have requested an easement be retained in the portion of right-of-way being vacated. As such, a pedestrian, utility, and drainage easement must be secured for circulation of pedestrian traffic and access to any public utilities. Prior to approval by City Council, a pedestrian, utility, and drainage easement must be submitted to Community Planning and Development Services.

Street Classification: Sixth Street is classified as a commercial street and as such requires a minimum of 70 feet of dedicated right-of-way. The proposed Vacation will retain a Sixth Street right-of-way of 87 feet which retains the minimum requirement. As such, the requested Vacation will retain sufficient right-of-way.

Staff recommends that the request to Vacate Right-of-Way be approved with the stipulation outlined above.