

STAFF REPORT
May 24, 2012

No. 12VR004 - Vacation of Right-of-Way

ITEM 9

GENERAL INFORMATION:

APPLICANT	President's Plaza, LLC
AGENT	Hani Shafai for Dream Design International, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 12VR004 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the Saint Joseph 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 .032 acres
LOCATION	The south 3.5 feet of Saint Joseph Street located between 5th Street and 6th Street
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 approval by City Council, a utility easement shall be submitted to Community Planning and Development Services.

GENERAL COMMENTS: The applicant has submitted a request to vacate a 3.5 foot wide by 400 foot long portion of Saint Joseph Street right-of-way between Fifth Street and Sixth Street in downtown Rapid City. The applicant has also requested to vacate portions of the right-of-way along Sixth Street (File #12VR002) and Fifth Street (File #12VR003). All three Vacation of Right-of-Way requests are associated with the President's Plaza Planned

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Development (File #12PD018). Plans submitted as a part of the President's Plaza development show that some portions of the proposed structure will protrude into the right-of-way by a distance of less than one foot. The proposed vacation would ensure all portions of the proposed structure are located outside of the right-of-way.

The right-of-way proposed to be vacated is located on Saint Joseph Street between Fifth and Sixth Streets adjacent to the proposed President's Plaza Planned Development. The property adjacent to the requested Vacation is currently 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:

Utilities: All affected utility companies have submitted letters indicating concurrence with the request to vacate portions of the right-of-way. Some utilities have requested that a utility easement be retained in the portion of right-of-way to be vacated. As such, prior to City Council approval, the applicant must secure a utility easement for the proposed area to be vacated.

Right-of-Way: The City's Major Street Plan identifies Saint Joseph Street as a principal arterial street. Public Works staff has noted that City standards per the Infrastructure Design Criteria Manual require a principal arterial street must be constructed with a minimum 100 feet of right-of-way. The western portion of Saint Joseph Street near the intersection with Sixth Street has 97.5 feet of dedicated right-of-way. The balance of Saint Joseph Street is constructed with 100 feet of dedicated right-of-way. The requested Vacation will decrease the right-of-way width from 97.5 feet to 94 feet along the western portion of Saint Joseph Street and from 100 feet to 97.5 feet along the balance of Saint Joseph Street. Public Works staff has indicated that Saint Joseph Street has been constructed with three lanes of one-way traffic, on-street parking, and approximately 15 feet of sidewalk on both sides of the street. The proposed vacation will reduce the width of the sidewalk on the south side of the street from 15 feet to 11.5 feet. A minimum five foot wide sidewalk is required by Rapid City ordinance and will still be maintained along Saint Joseph Street. Public Works staff has indicated support of the requested Vacation.

Staff recommends that the Vacation of Right-of-Way be approved with the stipulation identified above.