

STAFF REPORT
March 22, 2007

No. 07VR002 - Vacation of Right-of-Way

ITEM 31

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07VR002 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Rapp Street H-Lot located in the NE1/4SW1/4 and NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.108 Acres
LOCATION	Rapp Street east of LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/23/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

1. Prior to City Council approval, the H Lot shall be retained as a utility easement or the utilities shall be relocated as needed;
2. Prior to City Council approval, a Final Plat shall be recorded at the Register of Deed's Office securing the additional right-of-way for the street; and,
3. Prior to City Council approval, the applicant shall revise the Exhibit "A" as identified on the Register of Deed's redlined comments.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate a portion of Rapp Street currently located in an H Lot. In addition, the applicant has submitted a Vacation of Right-of-way request (#07VR003) to vacate a portion of Farnwood Avenue, also located within an H Lot. The applicant has also submitted a Preliminary Plat application (#07PL142) to subdivide 126.54 acres into 24 commercial lots, to vacate a 30 foot wide private access easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement. In

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addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV013) to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional rights-of-way and/or easement(s). The applicant has also submitted an Amendment to the Comprehensive Plan (#07CA010) to change the land use designation of a portion of the subject property, or 0.04 acres, from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development. In addition, the applicant has submitted a Rezoning request (#07RZ015) to change the zoning designation of the 0.04 acre parcel from General Agriculture District to General Commercial District. The applicant has also submitted a Planned Development Designation request (#07PD016) for the 0.04 acre parcel. The commercial development is to be known as "Rushmore Crossing".

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property.

The property is located between LaCrosse Street and E. North Street on the south side of U.S. Highway I-90 and is currently void of any structural development.

STAFF REVIEW:

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

Rapp Street: The applicant has submitted a request to vacate a portion of the right-of-way for Rapp Street located within an H Lot. The associated Preliminary Plat identifies the realignment of Rapp Street and Eglin Street within this area and identifies the dedication of additional right-of-way for the two streets. (Please note that Eglin Street is currently named Farnwood Avenue.) Staff is recommending that prior to City Council approval, a Final Plat be recorded at the Register of Deed's Office securing the additional right-of-way for the streets.

Utilities: Prairiewave Communications, Quest and Montana Dakota Utilities have indicated that they currently have utilities within the Rapp Street right-of-way. As such, prior to City Council approval, the plat document must be revised to retain Rapp Street right-of-way as a utility easement or the utilities must be relocated. .

Staff is recommending that the Vacation of Section Line Highway be approved with the stipulations of approval as identified above.