

STAFF REPORT  
November 23, 2011

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**No. 11VR003 - Vacation of Right-of-Way**

**ITEM 13**

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GENERAL INFORMATION:

APPLICANT	Bob Akers Deluxe, LLC
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Deluxe, LLC - Bob Akers
REQUEST	<b>No. 11VR003 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	A portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .485 acres
LOCATION	815 East New York Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Public District
South:	Medium Density Residential District - General Commercial District (Planned Commercial Development)
East:	Light Industrial District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	6/24/2011
REVIEWED BY	Fletcher Lacock / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be **denied**.

GENERAL COMMENTS:

**(Update November 23, 2011. All revised and/or added text is shown in bold.) This item has been continued since the July 21, 2011 Planning Commission meeting to allow the applicant to submit additional information as identified below. To date, the applicant has not addressed the outstanding issues. Previously, staff recommended that this item be continued to the November 23, 2011 Planning Commission meeting**

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**and the applicant was informed that staff would recommend to deny if the outstanding issues had not been addressed prior to the November 23, 2011 Planning Commission meeting. The applicant has not submitted any additional information for review. As such, staff recommends that this item be denied. The applicant may submit a new request once the issues have been addressed.**

(Update November 10, 2011. All revised and/or added text is shown in bold.) This item has been continued since the July 21, 2011 Planning Commission meeting to allow the applicant to submit additional information as identified below. To date, the applicant has not addressed the outstanding issues. As such, staff recommends that this item be continued to the November 23, 2011 Planning Commission meeting. If the outstanding issues have not been addressed prior to the November 23, 2011 Planning Commission meeting, staff will recommend that this item be denied. The applicant may submit a new request once the issues have been addressed.

(Update October 27, 2011. All revised and/or added text is shown in bold.) This item was continued at the October 6, 2011, Planning Commission meeting to allow the applicant to submit additional information in order to determine if the Right-of-Way can be vacated as requested. Staff met with the applicant on August 19, 2011, to further discuss the outstanding issues that must be resolved. As of this writing, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 10, 2011, Planning Commission meeting to allow the applicant to submit the additional information.

(Update October 6, 2011. All revised and/or added text is shown in bold.) This item was continued at the September 22, 2011, Planning Commission meeting to allow the applicant to submit additional information in order to determine if the Right-of-Way can be vacated as requested. Staff met with the applicant on August 19, 2011, to further discuss the outstanding issues that must be resolved. As of this writing, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 27, 2011, Planning Commission meeting to allow the applicant to submit the additional information.

(Update September 22, 2011. All revised and/or added text is shown in bold.) This item was continued at the September 8, 2011, Planning Commission meeting to allow the applicant to submit additional information in order to determine if the Right-of-Way can be vacated as requested. Staff met with the applicant on August 19, 2011, to further discuss the outstanding issues that must be resolved. As of this writing, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 6, 2011, Planning Commission meeting to allow the applicant to submit the additional information.

(Update September 8, 2011. All revised and/or added text is shown in bold.) This item was continued at the August 25, 2011, Planning Commission meeting to allow the applicant to submit additional information in order to determine if the Right-of-Way can be vacated as requested. Staff met with the applicant on August 19, 2011, to further discuss the outstanding issues that must be resolved. As of this writing, the additional information has not been submitted for review and approval. As such, staff is recommending that this item

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be continued to the September 22, 2011, Planning Commission meeting to allow the applicant to submit the additional information.

(Update August 25, 2011. All revised and/or added text is shown in bold.) This item was continued at the August 4, 2011, Planning Commission meeting to allow the applicant to submit additional information addressing issues discussed with staff. As of this writing, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 8, 2011, Planning Commission meeting to allow the applicant to submit the additional information.

(Update August 4, 2011. All revised and/or added text is shown in bold.) This item was continued at the July 21, 2011, Planning Commission meeting to allow the applicant to submit additional information addressing issues discussed with staff. As of this writing, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 25, 2011 Planning Commission meeting to allow the applicant to submit the additional information.

The applicant has submitted a Vacation of Right-of-Way request in conjunction with an Initial Planned Residential Development (File #11PD030) in order to vacate eight feet of right-of-way on Pine Street and East New York Street, five feet of right-of-way on North Cherry Street and 14 feet of right-of-way on East Chicago Street.

In 1999, an application for a Vacation of Right-of-Way (File #99VR009) was submitted for the above property. The proposal was to vacate a portion of the right-of-way on Pine Street, East Chicago Street and North Cherry Street. On December 6, 1999, City Council tabled the application.

The property is located north of East Chicago Street, west of North Cherry Street, south of East New York Street and east of Pine Street. There are currently 75 mobile homes located on the property. The property is the Deluxe Mobile Home Park.

**STAFF REVIEW:**

To date, the applicant has not submitted a utility plan showing the existing utilities and other improvements located within the right-of-way to determine if the right-of-way can be vacated. As such, staff cannot determine if the request can be supported.

**Staff recommends that the Vacation of Right-of-Way request be denied.**