



Legislation Details (With Text)

File #: 23-472 **Version:** 1 **Name:**
Type: Public Hearing Item **Status:** Agenda Ready
File created: 5/22/2023 **In control:** Planning Commission
On agenda: 6/7/2023 **Final action:** 6/7/2023
Title: SUBJECT: Vacation #23-01 and #23-02 - initiated by Rhino Holdings, LLC, to abandon a portion of right-of-way on the south side of Main Street, between R Street and T Street.

ACTION FINDING:

1) The proposed Vacation is consistent with the General Plan.

SUMMARY

This request is to vacate a portion of right-of-way on the south side of Main Street between R Street and T Street. In addition to typical right-of-way improvements, this section of right-of-way also includes parking spaces that serve the Westgate Shopping Center. The City would reserve an easement for all public improvements.

RECOMMENDATION

Planning staff recommends that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att A - Location Map.pdf, 2. Att B - Overall Site Map.pdf, 3. Att C - Encroachment Easement Exhibits.pdf, 4. Att D - Encroachment Easement Exhibits.pdf, 5. Att E - Presentation

Date	Ver.	Action By	Action	Result
6/7/2023	1	Planning Commission	adopted	Pass

Planning Commission Staff Report

Report Prepared by: Julie Nelson, Senior Planner, Development Services Department

SUBJECT: Vacation #23-01 and #23-02 - initiated by Rhino Holdings, LLC, to abandon a portion of right-of-way on the south side of Main Street, between R Street and T Street.

ACTION FINDING:

1) The proposed Vacation is consistent with the General Plan.

SUMMARY

This request is to vacate a portion of right-of-way on the south side of Main Street between R Street and T Street. In addition to typical right-of-way improvements, this section of right-of-way also includes parking spaces that serve the Westgate Shopping Center. The City would reserve an easement for all public improvements.

RECOMMENDATION

Planning staff recommends that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

DISCUSSION

Project Description

The property owner of the property located at 1136, 1158, 1230, and 1240 West Main Street has requested the vacation of the City right-of-way on Main Street adjacent to their property (Attachment A). Currently, there are parking stalls within the dedicated right-of-way. The owner wishes to have those parking stalls part of their land and under their control, rather than being in the City's right-of-way. This configuration was part of the redevelopment of this area when the Westgate Shopping Center was redeveloped. At that time, the City reserved extra right-of-way to widen Main Street. The request is being considered as two separate vacations due to the vacation area expanding across two separate parcels. Vacation #23-01 is for the vacation in front of 1136 to 1230 West Main Street and Vacation #23-02 is for the vacation in front of 1240 West Main Street (refer to the Location Map at Attachment A and the Overall Site Plan at Attachment B).

The City Surveyor, Deputy City Manager, and Planning Staff reviewed the vacation request. The City Surveyor and Deputy City Manager originally considered entering into a right-of-way agreement for the area and preserving the City's right-of-way. However, after further consideration and determining that Main Street would not be widened in that area, it was determined that vacating the right-of-way and reserving an easement for the City's facilities (streetlights, utilities, sidewalks, etc.) was the better course of action.

The General Plan does not address such routine issues as abandoning streets and rights-of-way. Therefore, the abandonments would not conflict with any goals, policies, or action in the General Plan, and the proposed vacation is consistent with the General Plan.

ATTACHMENTS

- A) Location Map
- B) Overall Site Plan
- C) Legal Description and Site Plan for Vacation #23-01
- D) Legal Description and Site Plan for Vacation #23-02