

STAFF REPORT

December 10, 2002

No. 02VE012 - Vacation of Utility and Minor Drainage Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Terry Wolden
REQUEST	No. 02VE012 - Vacation of Utility and Minor Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 5 of Block 2 of Reed Estates Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .180 acres
LOCATION	2475 Reed Court
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	08/12/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Vacation of Utility Easement be denied without prejudice.

GENERAL COMMENTS:

The applicant is proposing to vacate an eight foot utility easement. The easement is located along the west interior lot line. The applicant is requesting the vacation of the easement to allow the construction of a garage on the property. The lot is located outside the City limits; however, the site is located within the three mile extra territorial platting jurisdiction of the City of Rapid City.

The applicant submitted the application in September; however, staff reviewed the application and asked for additional information concerning the impacts of the development at the site. The applicant was notified in late September that he needed additional information showing the topography at the site, in order to insure that drainage at the site would not cause drainage impacts on the adjacent properties. Engineering had concerns with the impacts on the neighboring properties with the proposed garage being located within one foot from the property

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line. The applicant was sent a letter on October 23, 2002 concerning the status of the additional information. At that time the applicant requested that the item be continued to allow him additional time to acquire the required information. On December 5, 2002, the applicant stated that future plans for the project need to be determined, and a new development plan will be submitted in the future.

STAFF REVIEW:

Staff has reviewed the request and has noted the following comments:

The Engineering Division has made comments concerning the proposal to locate the garage one foot away from the interior lot line. The proposed location would violate the County setback requirements for this parcel. The proposed location has the potential to cause other problems such as diverting storm drainage from Lot 5 onto Lot 4. In addition, a construction easement will need to be obtained on Lot 4 in order to allow construction of the garage. Also, if a garage is built on Lot 5 within one foot of the property line, it would be difficult to construct a garage on Lot 4.

The Pennington County Planning Division staff made comments concerning the need for the applicant to get a variance from the County to reduce the minimum required front yard setback. The County Planning Division staff stated that the front yard setback for this lot shall be at least 34.64 feet. If the vacation of easement is granted, the applicant will still need to apply for a variance for the front yard setback through the County.

All of the affected utilities have been notified of the vacation request. All affected utilities companies have stated that they have no utilities in the affected easement and do not object to the vacation of a portion of the easement.

Staff recommends that the Vacation of Easement request be denied without prejudice to allow the applicant to submit a revised application with a new layout for the proposed development in the future.