

STAFF REPORT

May 8, 2003

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**No. 03VE003 - Vacation of a Non-Access Easement**

**ITEM 28**

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GENERAL INFORMATION:

PETITIONER	WCL Associates, Inc. for Best Buy Company, Inc.
REQUEST	<b>No. 03VE003 - Vacation of a Non-Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 8R in the NW1/4 NE1/4 of Block 3, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.006 acres
LOCATION	2320 Haines Avenue
EXISTING ZONING	General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	General Commercial District w/Planned Commercial Development
South:	General Commercial District
East:	General Commercial District w/Planned Commercial Development/Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	03/28/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that **the Planning Commission acknowledge the applicant's withdrawal fo the request to vacate the non-access easement.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the April 24, 2003 Planning Commission meeting. The applicant had indicated that the development as previously designed exceeded the monetary amount previously designated for the project. In order to reduce the development cost, the revised site plan has been submitted. This revised site plan removes the proposed emergency vehicle access on the east side of the site. Since the Emergency Vehicle Access is no longer anticipated, the proposed Vacation of a Non-Access Easement is no longer required. As such, the applicant has withdrawn the request. The applicant is proposing to vacate a 20 foot wide portion of an access easement

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adjacent to Lot 8R along the extension of Pahasapa Rd. Lot 23R is located on the east side of Haines Avenue between Disk Drive and Pahasapa Rd. There is currently an approach located 210 feet west along Pahasapa Rd. The non-access easement was shown on a plat which was approved on December 17, 2001.

The proposed vacation is for emergency vehicle access to a commercial development. The proposed vacation of the non-access easement will allow emergency vehicle access to the rear east portion of the site and access to the rear of the buildings. The applicant has stated that the proposed development will not function properly, if non-emergency vehicle access is being utilized at the site.

A Final Development Plan for a Planned Commercial Development is also being considered at the site. This development plan is for a 33,000 square foot retail store; in addition, the submitted site plan has also identified two potential lots on the site for future development.

STAFF REVIEW: Staff has reviewed the request to vacate the access easement adjacent to Lot 8R along the extension of Pahasapa Rd. Pahasapa Rd. serves as a local road east of Haines Avenue.

Staff supports the vacation of a Non-Access Easement to allow emergency vehicles another point of access to the site. By allowing an additional point of access for emergency vehicles only, emergency vehicle will be able to service the rear of the site more efficiently. This situation will increase safety at the site in case of an emergency. Emergency vehicles will not have to travel as far to access the rear of the site. By reducing the amount of travel time for an emergency vehicle in the case of an emergency, the potential for increased response proficiency is improved.

The applicant has agreed to construct curbs in order to reduce any perceived access to that portion of the site. In addition to the curbs, staff is recommending a gate be constructed that only the Fire Department has access to. This gate will also reduce the ability for people to use the access way; however, the Fire Department will still be able to access the rear of the site in case of an emergency.

Staff is recommending **that the Planning Commission acknowledge the applicant's withdrawal of the request to vacate the non-access easement.**