

STAFF REPORT

October 28, 2003

No. 03VE017 - Vacation of Utility and Major Drainage Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for BE Development Company, LLC
REQUEST	No. 03VE017 - Vacation of Utility and Major Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 1, Skyview North Subdivision, located in the E1/2 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.72 acres
LOCATION	Along Minnewasta Drive at the end of the cul-de-sac
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development
South:	Low Density Residential District w/Planned Residential District
East:	Low Density Residential District w/Planned Residential Development
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/26/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Utility and Major Drainage Easement be approved.

GENERAL COMMENTS:

The applicant is proposing to vacate an approximate 4.5 foot X 50 foot area of a 30 foot wide utility and major drainage easement. On September 4, 2003, the Planning Commission approved a Major Amendment to the Skyview North-Minnewasta Subdivision Planned Residential Development to allow for the expansion of building envelopes on nine lots within the development. However, due to the existing 30 foot wide utility and major

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drainage easement located on the subject property, the building envelope was not allowed to expand into this area of the lot. If the Vacation of Utility and Major Drainage Easement is approved, a subsequent Major Amendment to the Planned Residential Development must also be obtained to allow any structural expansion within the west 30 feet of the subject property.

The property is located at the southern terminus of Minnewasta Road and is currently void of any structural development. The applicant has indicated that a single family residence will be constructed on the property and that due to topographic constraints; a portion of the structure will encroach into the utility and major drainage easement.

STAFF REVIEW:

Staff reviewed the Vacation of Utility and Major Drainage Easement request and has noted the following considerations:

Utility Companies: All of the affected utility companies have responded to the proposed vacation request. All of the responses have indicated support of the proposed request.

Drainage: The Engineering Division has indicated that the remaining major drainage easement can accommodate flows from the subject property. As such, the Engineering Division is recommending approval of the proposed utility and minor drainage easement vacation request.

As indicated above, the utility companies and the Engineering Division support the proposed vacation request. As such, staff is recommending that the Vacation of Utility and Major Drainage Easement be approved.