

STAFF REPORT

February 24, 2004

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**No. 04VE001 - Vacation of Major Drainage Easement**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Kohls Department Stores, Inc.
REQUEST	<b>No. 04VE001 - Vacation of Major Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 2R, Five Star Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.23 acres
LOCATION	West of Haines Avenue and north of Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/23/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Major Drainage Easement be approved with the following stipulation:

1. Prior to City Council approval, a miscellaneous document shall be filed at the Register of Deed's Office granting a revised drainage easement as shown on the applicant's site plan.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Major Drainage Easement request to vacate a 20 foot wide major drainage easement located in the northern portion of the subject property.

On August 4, 2003, the City Council approved Preliminary and Final Plat #02PL119 to create two commercial lots, including the subject property. On December 1, 2003 the City Council approved Preliminary and Final Plat #03PL105 to reconfigure the two commercial lots.

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The subject property is known as Lot 2R of the Five Star Subdivision. The applicant has submitted a building permit identifying the future construction of a "Kohls Department Store" on the subject property.

#### STAFF REVIEW:

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

Drainage: The existing major drainage easement was dedicated on a previous plat action in order to carry flows from an adjacent property to Disk Drive. The applicant is proposing to relocate the major drainage easement in order to secure an area for any future expansion(s) to the proposed building to be constructed on the subject property. The applicant has also submitted an exhibit identifying an alternate location for the major drainage easement. Staff has reviewed the alternate location and noted that it will continue to carry the drainage flows as needed. As such, staff is recommending that the Vacation of Major Drainage Easement request be approved with the stipulation that a miscellaneous document be filed at the Register of Deed's Office granting a revised major drainage easement as shown on the applicant's exhibit.