

STAFF REPORT
April 6, 2006

No. 06VE001 - Vacation of the Non-Access Easement

ITEM 42

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06VE001 - Vacation of the Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lots 1 and 4 of Block 20; and Lot 1 of Block 19, Red Rock Estates, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.41 acres
LOCATION	At the northwest corner of the intersection of Portrush Road and Kennemer Drive and at the northeast and northwest corners of the intersection of Portrush Road and Ainsdale Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/10/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Non-Access Easement request be denied; and,

That the Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street be denied.

GENERAL COMMENTS:

(Update, March 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 23, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update, March 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 9, 2006 Planning Commission meeting at the applicant's request. In particular, the applicant indicated that site plans showing the future development

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on the lots would be submitted to demonstrate the need to vacate the non-access easements.

The applicant has submitted a Vacation of Non-access Easement request to vacate three non-access easements. In particular, the request identifies the vacation of an 85 foot non-access easement along the south side of Lot 4, Block 20 as it abuts Portrush Road, a 55 foot non-access easement along the south side of Lot 1, Block 20 as it abuts Portrush Road, and a 50 foot non-access easement along the east side of Lot 1, Block 19 as it abuts Ainsdale Court.

The properties are located approximately 150 feet west of the intersection of Muirfield Drive and Portrush Road on the north side of Portrush Road. Currently, the properties are void of any structural development.

STAFF REVIEW:

On February 24, 2006, the applicant requested that this item be continued to the March 23, 2006 Planning Commission meeting. In particular, the applicant indicated that additional information will be submitted identifying the future development of the lot(s). As such, staff is recommending that this item be continued as requested.

On March 9, 2006, the applicant submitted site plans showing the location of townhomes on the three lots.

Staff has reviewed the site plans and subsequently noted that the townhomes could be reconfigured so that driveways to both units are outside of the non-access easement(s). This may require that one unit take access from Portrush Road and the other unit take access from the lesser order street precluding the need to vacate any of the existing non-access easements.

The applicant's site plans show four units accessing directly onto Portrush Drive. Reconfiguring the townhomes as identified above will reduce the number of units accessing onto Portrush Drive to three units. In addition, all of the driveways will meet the minimum separation requirements between the street intersection(s) and the driveway(s) which will provide a safer street section for those traveling along the streets as well as for those entering and/or exiting the lot(s). As such, staff is recommending that the Vacation of Non-access Easement be denied.

The applicant has also submitted an Exception request to allow access from Portrush Drive in lieu of the lesser order streets as per the Street Design Criteria Manual. As noted above, staff may support allowing access along Portrush Drive if the minimum separation requirements can be provided between the driveway(s) and the street intersection(s). To date, a site plan has not been submitted showing access along Portrush Drive that meets this requirement. As such, staff is recommending that the Exception to the Street Design Criteria Manual to allow access from a street that is not the lesser order street be denied.

The applicant should be aware that a plat must be reviewed and approved by the City to create the townhome lots as proposed. In addition, an Initial and Final Planned Residential Development must be approved prior to the issuance of a building permit.