

STAFF REPORT
August 24, 2006

No. 06VE020 - Vacation of Access and Utility Easement

ITEM 14

GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for DJS Holdings, LLC
REQUEST	No. 06VE020 - Vacation of Access and Utility Easement
EXISTING LEGAL DESCRIPTION	Access easement adjacent to the north edge of Lot 2B of Lot B, Block 15, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .54 acres
LOCATION	1501 Cambell Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/28/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Access and Utility Easement be approved with the following stipulations:

1. Prior to Planning Commission approval, responses from all the affected public utility companies shall be received for review and approval;
2. Prior to Planning Commission approval, the applicant shall submit a site plan showing that the water line and fire hydrant are located within the proposed 20 foot easement or submit a revised easement document for review and approval;
3. Prior to Planning Commission approval, the applicant shall submit a revised easement document maintaining a 30 foot access easement onto the adjacent property for review and approval;
4. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval; and,

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5. Prior to City Council approval, a miscellaneous document shall be recorded with the Register of Deeds office creating a 20 foot access and utility easement.

GENERAL COMMENTS: The applicant is requesting approval of a Vacation of Access Easement along the north lot line of the subject property. The subject property is located south of East St. James Street and west of Cambell Street. Currently, a car wash is located on the subject property.

On June 5, 1995 City Council approved with stipulations a Planned Commercial Development (PD1417) to allow a car wash and mini-storage facilities on the subject property.

On May 3, 1999 City Council approved a Preliminary and Final Plat (99PL033) creating two lots on the subject property.

On November 10, 1999 City Council approved with stipulations a Major Amendment to a Planned Commercial Development (99PD028) to reduce the minimum required landscaping on the subject property.

On July 6, 2006 Planning Commission approved a Major Amendment to a Planned Commercial Development (06PD039) with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy of the car wash addition;
2. Prior to Planning Commission approval, a sign package shall be submitted showing all signage provided or a Major Amendment to the Planned Commercial Development must be obtained for any additional signage;
3. Prior to installation of any signage a sign permit shall be obtained;
4. The request to remove the requirement for a five to six foot high wooden privacy fence along the south property line is hereby granted;
5. Prior to issuance of a building permit, a revised landscape plan must be submitted for review and approval showing the lawn area to remain in the right-of-way;
6. Prior to issuance of a building permit, the applicant shall submit and obtain approval from of a vacation of a portion of an access and utility easement;
7. Prior to construction, the applicant shall obtain a DOT Right-of-Way Permit for work in the right-of-way;
8. The landscaping shall continually comply with the approved site plan and be maintained in a live vegetative state; and,
9. The Major Amendment to a Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

The applicant has now submitted plans proposing to vacate the existing 30 foot Access Easement and dedicate a 20 foot Access Easement so the vacuum units may be relocated along the north lot line of the subject property.

STAFF REVIEW: Staff has reviewed the proposed Vacation of Access Easement request and noted the following issues:

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Utilities: Staff noted that Exhibit "A" shows the vacation of an Access and Utility easement. Staff has not received any responses from the affected public utility companies. Staff recommends that prior to Planning Commission approval, responses from all the affected public utility companies shall be received for review and approval.

Water System: Staff noted that there is existing water line and fire hydrant in the area proposed to be vacated. Staff also noted that an easement is required for the existing water line and fire hydrant. Staff recommends that prior to Planning Commission approval, the applicant submit a site plan showing that the water line and fire hydrant are located within the proposed 20 foot easement or submit a revised easement document for review and approval.

Effected Property Owners: Staff noted that the adjacent property to the west is effected by vacating the access easement. Staff recommends that prior to Planning Commission approval, the applicant submit a revised easement document maintaining a 30 foot access easement onto the adjacent property for review and approval.

Revised Exhibit "A": Staff noted that the Exhibit "A" submitted has a proposed 20 foot access easement shown but a 30 foot access easement is noted in the title. Staff also noted that Block 15 should be added to the legal description. The exhibit shows the vacation of an access and utility easement and the dedication of only an access easement. The utility easement needs to remain a part of the proposed easement. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval showing the above noted corrections. In addition, a miscellaneous document shall be recorded with the Register of Deeds office creating a 20 foot access and utility easement.