

STAFF REPORT
February 22, 2007

No. 07VE003 - Vacation of Non-Access Easement

ITEM 42

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07VE003 - Vacation of Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .49 acres
LOCATION	Northwest corner of the intersection of Prestwick Road and Muirfield Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Vacation of a Non-Access Easement be approved with the following stipulations:

1. Prior to Planning Commission approval, a grading plan shall be submitted for review and approval justifying the proposed vacation of a non-access easement;
2. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval, and;
3. Prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street shall be submitted and approved for the subject property.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the non-access easement to serve as access to the lot because of topographic constraints on Prestwick Road. The subject property is located in the northwest corner of the intersection of Prestwick Road and Muirfield Drive. The property is currently vacant but a single family residence is proposed for construction on the site.

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On August 4, 2003 City Council approved a Preliminary and Final Plat (03PL053) with stipulations that included the subject property. The Final Plat identified a non-access easement along the south lot line of the subject property as it abuts Muirfield Drive.

On December 12, 2003 City Council approved a Vacation of a Non-Access Easement request (03VE020) with stipulations for the property in the northeast corner of Prestwick Road and Muirfield Drive due to topographic constraints along Prestwick Road.

STAFF REVIEW: Staff has reviewed this request for a Vacation of Non-Access Easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following considerations:

Revised Exhibit "A": Staff noted that the Exhibit "A" submitted shows a portion of the non-access easement being vacated on this document. However, the Exhibit "A" indicates a 30 foot wide portion of the non-access easement being vacated a distance of 50 feet from the east property line. The Rapid City Street Design Criteria Manual requires that the approach to be a minimum of 75 feet from the end of the curb radius as per Figure 8.1 and that the width of a residential approach should not be more than 20 feet wide. As such, staff recommends that prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval as identified.

Grading Plan: The applicant stated the reasons for the change of access to the site are to keep the proposed structure above the curb line of Prestwick Road and to eliminate the need to construct 10 to 12 foot high retaining walls on the site. Staff noted that no grading plan was submitted for the proposed construction and that the current grades of the lot do not appear to be in accordance with the approved grading plan. Staff recommends that prior to Planning Commission approval, a grading plan be submitted for review and approval justifying the proposed vacation of the non-access easement.

Special Exception: Staff noted Muirfield Drive is classified as a collector street on the Major Street Plan. In addition, Prestwick Road, located along the east lot line of the subject property, is identified as a sub collector street. As such, staff is recommending that prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street be submitted and approved for the subject property.

Staff recommends that the Vacation of a portion of a Non-Access Easement be approved with the above stated stipulations.