

STAFF REPORT
June 26, 2007

No. 07VE014 - Vacation of a portion of Minor Drainage and Utility Easement **ITEM**

PETITIONER	Fisk Land Surveying & Consulting Engineers for Grace Pettigrew
REQUEST	No. 07VE014 - Vacation of a portion of Minor Drainage and Utility Easement
EXISTING LEGAL DESCRIPTION	Lots 1 and 4 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.392 acres
LOCATION	1711 East Anamosa Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District - Planned Commercial Development
West:	General Commercial District
PUBLIC UTILITIES	City
DATE OF APPLICATION	5/25/2007
REVIEWED BY	Loren Fuhrmann / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Minor Drainage Easement and Utility Easement be approved with the following stipulations:

1. Prior to Public Works Committee approval, the applicant shall submit a plat combining Lots 1 and 4 into one lot or the applicant shall enter into an agreement with the City to combine Lots 1 and 4 into a Developmental Lot; and,
2. Prior to Public Works Committee approval, documentation from Quest shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS:

The subject property is located at the south corner of the intersection of East Anamosa Street and North Creek Drive. Flooring America is currently located on Lot 1 of the subject property. Lot 4 of the subject property is currently void of any structural development. The subject property is located within the municipal boundaries of the City of Rapid City.

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The applicant is requesting to vacate the eight foot wide minor drainage and utility easement along the common side lot line between Lots 1 and 4 of the subject property in order to construct an addition onto the northwest side of the existing building located on Lot 1. The proposed addition will cross the common lot line between Lots 1 and 4 of the subject property. Therefore, the applicant has submitted a petition to vacate the Minor Drainage and Utility Easement in order to construct a proposed addition.

The current zoning of the Lots 1 and 4 of the subject property is General Commercial District. Flooring America is currently located on Lot 1 of the subject property. A retail flooring sales business is a permitted use in the General Commercial District.

STAFF REVIEW:

Staff has reviewed the Vacation of a portion of a Minor Drainage and Utility Easement request and has noted the following considerations:

Minor Drainage and Utility Easement:

The original plat document known as "Lots 1, 2 and 3 of Block 1 of Menards Subdivision (formerly a portion of the unplatted balance of the SE ¼ of the NW ¼ and a portion of the unplatted balance of the NE ¼ of the SW ¼ all in Section 32), located in the SE ¼ of the NW ¼ and the NE ¼ of the SW ¼ of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota", notes utility and minor drainage easements 8 feet on the interior sides of all side and rear lot lines of Lot 1 of the subject property. The applicant has submitted a utility and minor drainage easement document prepared by a Registered Professional Engineer, identified as "Exhibit A", which identifies the vacation the eight foot side utility and minor drainage easement adjacent to the northwest lot line of Lot 1 of the property.

The original plat document known as "Plat of Lot 4 of Block 1, and Lots 1 and 2 of Block 2, and dedicated Creek Drive public right of way, of Menard Subdivision, formerly a portion of the unplatted balance of the SE¼ NW¼, NE¼SW ¼ all located in Section 32, T2N, R8E, BHM, City of Rapid City, Pennington County, South Dakota", identifies an eight foot utility and minor drainage easements on all lot lines. The applicant has submitted a utility and minor drainage easement document prepared by a Registered Professional Engineer, identified as "Exhibit A", which identifies the vacation the eight foot side utility and minor drainage easement adjacent to the southeast lot line of Lot 4 of the subject property, being parallel with and adjacent to the 8 foot side utility and minor drainage easement adjacent to the northwest lot line of Lot 1 of the subject property.

Existing Structure:

The existing building on Lot 1 of the subject property, as shown on site plan submitted by the applicant, meets current setback requirements.

Proposed Structure:

The proposed addition located on the northwest side of the existing building, as shown on site plan submitted by the applicant, will meet current setback requirements if Lots 1 and 4 are platted into one lot or Lots 1 and 4 are designated as a developmental lot.

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City Drainage and Utilities:

Staff noted on the subject property, the drainage easement is not required for drainage if the site is developed as part of a cohesive development for both Lots 1 and 4. For that reason, staff is recommending that prior to Public Works Committee approval, the applicant enter into a Development Lot Agreement to insure the property is developed as part of one cohesive site development plan. There are no existing water mains or sewer mains within the utility easement. If the property is developed as a single parcel, the utility easement would not appear to be necessary.

Utilities Companies:

The vacation of a utility easement requires permission of all affected utility companies on the subject property. Three utility companies have provided written documentation that they do not have existing or proposed services with the easement and have no objections to vacating the utility easements and minor drainage easements. Quest will give permission to vacate the utility easements and minor drainage easements area that is impacted by the addition onto the northwest side of the existing building located on Lot 1; however, to date Quest has not agreed to vacate the balance of the easement as requested by the applicant. Staff recommends that prior to Public Works Committee approval, Quest provide written concurrence with the requested vacation.

Permits:

The applicant must apply for an Air Quality Permit if one or more acres will be disturbed on the subject property.

Staff is recommending approval of the Vacation of Utility Easement and Minor Drainage Easement with the above stated stipulations.