

STAFF REPORT  
November 8, 2007

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**No. 07VE041 - Vacation of Non-Access Easement**

**ITEM 20**

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GENERAL INFORMATION:

APPLICANT	Land and Marine Development, Inc.
AGENT	Jared Tordsen
PROPERTY OWNER	Land & Marine Developmnets, Inc.
REQUEST	<b>No. 07VE041 - Vacation of Non-Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 31, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.17 acres
LOCATION	Southwest corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights 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	Public
DATE OF APPLICATION	10/12/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Non-Access Easement be continued to the November 21, 2007 Planning Commission Meeting to allow the applicant time to submit a revised exhibit, and an associated Exception Request.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Non-Access Easement request. The property is Lot 31 of Rockinon Ranch Estates. The property is located at the southwest intersection of Abbey Road and Butterfly Lane. A Planned Residential Development- Initial and Final Plan (#07PD088) has been filed in conjunction with this request. A Road Name Change request (#07RD005) to change Abbey Road to Lennon Lane has also been filed in conjunction with this request. The property was platted (#07PL007) on January 24, 2007. The property is currently void of any structural development. The property is currently zoned Low Density Residential District.

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STAFF REVIEW:

Staff has reviewed the applicant's Vacation of Non-Access Easement request and noted the following considerations:

The applicant has submitted an exhibit known as "Exhibit A" identifying the portion of Non-Access Easement to be vacated. The applicant's exhibit identifies 28 feet of the Non-Access Easement along "Joplin Lane" as being proposed for vacation. Staff has noted that the plat document identifies "Joplin Lane" as Butterfly Lane. On October 29, 2007 the applicant met with staff to discuss revising the exhibit. Staff recommends that the applicant revise the exhibit to identify the proposed Non-Access Easement vacation in the area where a proposed driveway will actually be constructed rather than a 28 foot portion of Non-Access Easement to be vacated along Butterfly Lane. In addition staff notified the applicant that an Exception Request must be filed in conjunction with the Non-Access Easement request to allow for corner clearance of less than 50 feet as per Section 8.2.3 of the Street Design Criteria Manual, and the street names shall be revised on the exhibit accordingly.

Staff recommends that this item be continued to the November 21, 2007 Planning Commission meeting to allow the applicant time to submit a revised exhibit and an associated Exception Request.