

STAFF REPORT
November 8, 2007

No. 07VE038 - Vacation of Non-Access Easement

ITEM 17

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	SYB2, LLC
REQUEST	No. 07VE038 - Vacation of Non-Access Easement
EXISTING LEGAL DESCRIPTION	Tract J of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.85 acres
LOCATION	West of Degeest Drive between Berniece Street and Homestead Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/12/2007
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Non-Access Easement be approved.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the non-access easement on Tract J of Big Sky Subdivision to serve as one of the access points to the lot on Degeest Drive. The property is located on the west side of Degeest Drive between Berniece Street and Homestead Street. The subject property is currently void of any structural development. A multi-family residential development (#07PD086) is proposed for construction on the site.

On October 27, 2005 Planning Commission approved a Planned Residential Development – Initial and Final Development Plan with the following stipulations:

- 1) Eight duplexes and one four plex shall be allowed on the site in accordance with the approved site plan. Any increase in the number of dwelling units shall require a Major Amendment to the Planned Residential Development;
- 2) A building permit shall be obtained prior to the initiation of construction and a Certificate of

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- Occupancy must be obtained prior to occupying the building;
- 3) An Air Quality Permit shall be obtained prior to approval of a grading permit or a building permit for the project;
 - 4) All construction shall comply with the building elevation drawings submitted and approved as part of this Planned Residential Development. The proposed structures will be finished with earth-toned siding and rock walls as shown on the elevations submitted and approved;
 - 5) The minimum required front yard setback along Degeest Drive is hereby reduced from 25 feet to 15 feet. The minimum required front yard setback along Berniece Street is hereby reduced from 25 feet to 20 feet. The minimum required front yard setback along Homestead Street shall be 25 feet. The minimum required rear yard setback shall be 25 feet. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;
 - 6) An exception is hereby granted to the Street Design Criteria Manual to reduce the minimum driveway separation from 85 feet to 74 feet for the northern most driveway approach onto Deegest Drive;
 - 7) Prior to issuance of a building permit for the northern most unit, the non-access easement shall be vacated;
 - 8) The site development shall comply with all provisions of the approved landscape plan and the minimum requirements of the Rapid City Municipal Code. All landscaping shall be maintained in a live vegetative state;
 - 9) The proposed four-plex shall be fully fire sprinklered and alarmed/detected as per the International Fire Code. All fire hydrants shall be in place and operational prior to any building construction. The proposed structure must have 12-inch address numbers and be plainly visible from the public right-of-way;
 - 10) Prior to issuance of a building permit, revised drawings shall be submitted for review and approval addressing the comments on the sewer, water, and storm drains. Sidewalks shall also be shown on the plans; and,
 - 11) The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval, or if the use as approved has ceased for a period of two years.

On November 20, 2006 City Council denied without prejudice a Major Amendment to a Planned Residential Development (#06PD065) at the applicant's request.

The applicant is now proposing to construct ten duplexes in the Medium Density Residential Zoning District rather than eight duplexes and one four plex previously approved.

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:

Non-Access Easement: The applicant is requesting to vacate 11 feet of an existing non-access easement. In addition, the applicant submitted an exception (#07EX107) to reduce the corner clearance at the intersection of Berniece Street and Degeest Street from 85 feet to 74 feet. The exception request was approved on October 19, 2007. Due to the limited traffic anticipated near the intersection of Degeest Drive and Berniece Street staff recommends that the Vacation of a portion of a Non-Access Easement be approved.