

STAFF REPORT
March 10, 2009

No. 09VE001 - Vacation of a portion of a utility and minor drainage easement

GENERAL INFORMATION:

APPLICANT/AGENT	Rick and Rachell Beard
PROPERTY OWNER	Rick and Rachell Beard
REQUEST	No. 09VE001 - Vacation of a portion of a utility and minor drainage easement
EXISTING LEGAL DESCRIPTION	Lot 18 Revised of Block 2 of Robbinsdale Addition No. 9, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.22 Acres
LOCATION	3622 Hemlock Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential II District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/9/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a utility and minor drainage easement be denied without prejudice.

GENERAL COMMENTS: (Update, February 27, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 10, 2009 Public Works Committee meeting to allow the applicant to submit the required information and to allow the Zoning Board of Adjustment to consider the variance request. On February 12, 2009, the applicant obtained a building permit for an addition to the existing residence that did not require the easement to be vacated and on February 13, 2009, the applicant requested that the Vacation of a portion of a utility and minor drainage easement be denied without prejudice. As such, staff recommends that this item be denied without prejudice at the applicant's request.

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The applicant is proposing to vacate a portion of an existing Utility and Drainage Easement along the south side of the property. The property is located at 3622 Hemlock Street. A single family residence is currently located on the property. The applicant has indicated that this vacation is needed in order to construct a two stall attached garage. The property is currently zoned Medium Density Residential.

On February 3, 2009 the Zoning Board of Adjustment continued a variance request to reduce the side yard setback on the south side of the property from eight feet to three feet. This item is scheduled to be heard at the March 3, 2009 Zoning Board of Adjustment meeting. As such, staff recommends that this item be continued to the March 10, 2009 Public Works Committee meeting to allow the Zoning Board of Adjustment to consider the variance request.

STAFF REVIEW: The applicant is proposing to vacate five feet of an existing eight foot wide minor drainage and utility easement as shown in Exhibit "A". The easement runs generally east and west along the entire south property line of the property.

Grading and Drainage: The applicant submitted a plan showing the existing contour lines on the property. However, the applicant has not provided drainage calculations for the site. Staff has concerns that the proposed addition will cause an increase in runoff onto the adjacent properties. In addition, the applicant could construct a smaller addition so that the vacation of a portion of a Utility and Minor Drainage Easement would not be required. As such, staff recommends that the Vacation of a portion of a Utility and Minor Drainage Easement be denied without prejudice.

Utility Company Approval: The vacation of a utility easement requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted. All affected utility companies have provided written documentation indicating that they do not have objections to vacating the utility easement.

Preservation of Utility Easements: Utility and minor drainage easements are required along all property lines and are held in trust for the public to insure that areas are available to accommodate future development. As a matter of policy and practice, easements such as this one have only been vacated to accommodate structures that were erroneously built into the easement and only the portion of the easement where the structure is located had been vacated. The City Council has not typically vacated these easements to accommodate new structures. There are currently no structures located in this easement. The applicant could construct improvements on the site and have reasonable use of the property without vacating a portion of this easement. Staff recommends that the Vacation of a portion of a Utility and Minor Drainage Easement be denied without prejudice.

Staff recommends that the Vacation of a portion of a Utility and Minor Drainage Easement be denied without prejudice.