

STAFF REPORT
September 1, 2009

No. 09VE011 - Vacation of a portion of a Major Drainage Easement ITEM

GENERAL INFORMATION:

APPLICANT	KR Toyland, LLC
AGENT	Dan Ferber for Ferber Engineering Company
PROPERTY OWNER	KR Toyland, LLC
REQUEST	No. 09VE011 - Vacation of a portion of a Major Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 5 of East Mall Business Center Subdivision, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 16.7 acres
LOCATION	Northwest of the intersection of East Mall Drive and Tish Boulevard
EXISTING ZONING	General Commercial District - General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District - General Commercial District (Planned Commercial Development)
South:	General Commercial District - General Commercial District (Planned Commercial Development)
East:	General Commercial District - General Commercial District (Planned Commercial Development)
West:	General Commercial District - General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/6/2009
REVIEWED BY	Vicki Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Major Drainage Easement be approved with the following stipulation:

1. Prior to City Council approval, the proposed Major Drainage Easement shall be recorded at the Register of Deed's Office and a copy of the recorded document shall be submitted

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to the Growth Management staff.

GENERAL COMMENTS:

The applicant has submitted a request to vacate a portion of a Major Drainage Easement located on Lot 1 of Block 5, East Mall Business Center Subdivision. In addition, the applicant has submitted a document identifying an alternate location for the Major Drainage Easement.

City staff approved a Final Plat creating Lot 1 of Block 5, East Mall Business Center Subdivision on December 30, 2008. During the review and approval of the Corps of Engineers 404 Permit, the Corps of Engineers staff requested that the proposed box culvert to be extended under Tish Boulevard be aligned with the existing historic drainage channel. As such, the applicant has submitted this request to relocate the Major Drainage Easement to accommodate the historic drainage channel.

The property is located northwest of the intersection of East Mall Drive and Tish Boulevard. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of a Major Drainage Easement request and has noted the following considerations:

Drainage: The applicant has submitted drainage information supporting the relocation of a portion of the Major Drainage Easement as proposed. In addition, relocating the drainage easement to accommodate the historic flows through this area is in compliance with the approved Corps of Engineers 404 Permit. As such, staff recommends that the Vacation of Major Drainage Easement request be approved contingent upon the proposed Major Drainage Easement being recorded at the Register of Deed's Office and a copy of the recorded document being submitted to the Growth Management staff prior to City Council approval.

Staff recommends that the Vacation of Major Drainage Easement request be approved with the stipulation of approval as identified above.