

STAFF REPORT
September 29, 2009

No. 09VE013 - Vacation of a portion of a Minor Drainage and Utility Easement **ITEM**

GENERAL INFORMATION:

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| APPLICANT | Dean Thompson for UpperCrust Landscape Co. |
| AGENT | Rich Marsh for CETEC Engineering |
| PROPERTY OWNER | Campbell Properties Limited Partnership |
| REQUEST | No. 09VE013 - Vacation of a portion of a Minor Drainage and Utility Easement |
| EXISTING LEGAL DESCRIPTION | Lot 1 of Shopko Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 2.446 acres |
| LOCATION | 1825 Haines Avenue |
| EXISTING ZONING | General Commercial District |
| SURROUNDING ZONING | |
| North: | General Commercial District |
| South: | General Commercial District |
| East: | General Commercial District |
| West: | General Commercial District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 8/27/2009 |
| REVIEWED BY | Patsy Horton / Karley Halsted |

RECOMMENDATION:

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

1. Prior to City Council approval, the Temporary Construction Easement shall be recorded at the Register of Deed's office and a copy of the recorded document shall be submitted to the Growth Management Department for review and approval.

GENERAL COMMENTS: The applicant has submitted a Vacation of Minor Drainage and Utility Easement request to vacate a portion the existing 8 foot wide minor drainage and utility easement located along the south property line of Lot 1, Shopko Addition. The applicant has submitted a site plan showing that a retaining wall will be constructed in a portion of the easement located along the south lot line of the property. In addition, the applicant has

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submitted a document identifying a Temporary Construction Easement with the adjacent property owner in order to demolish and construct the retaining wall.

On April 3, 2008, Rapid City Code Enforcement requested that the existing retaining wall located along the south property line of Lot 1 be replaced and/or repaired as it was unstable and unsafely leaning into the parking lot. The applicant intends to replace the existing railroad tie retaining wall with a concrete block retaining wall material. The applicant indicated that the proposed wall footprint matches the existing wall footprint, located within the existing 8 foot minor drainage and utility easement.

The property is located immediately south of Shopko at the intersection of I-90 and Haines Avenue, more commonly referred to as Office Max. A mobile home court is located adjacent to the south lot line of the property and east of single family residential structures. The applicant is proposing to demolish and replace the existing retaining wall.

STAFF REVIEW:

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

Building Permit: The applicant is required to obtain a building permit prior to demolition and reconstruction of the retaining wall. Additionally, the site plan identifies the removal and resetting of existing street signs in coordination with the City of Rapid City; however, the street signs included in the site plan located on private property remain the responsibility of the property owner. The site plan identifies the removal of existing shrubbery and reference to gravel roads. The applicant must demonstrate at the time of building permit that the site complies with the previously approved plans, both in reference to landscaping and paved circulation. The site plan also references the 2003 International Building Code; however, all design specifications must meet the 2006 International Building Code as adopted by the City Council. The applicant must also ensure that demolition and reconstruction of the retaining wall should include coordination with the utility companies to ensure that existing utilities are not impacted by the construction activity. Additionally, the applicant may be required to submit revised design information in order to sleeve or encase the wastewater system if it is determined during demolition and reconstruction of the retaining wall that the pipe depth under the wall is insufficient to protect the wastewater system.

Preservation of Utility Easements: A building permit application was received to demolish and reconstruct the retaining wall on the property along the south lot line. The applicant has also submitted a copy of a temporary construction easement in order to utilize portions of the adjacent property during construction.

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 are secured to insure that a sufficient area on each lot exists to carry drainage flows from the property to the adjacent street section or drainage way. There is significant elevation differential between this lot and the adjacent properties. As such, staff recommends that the 6 foot portion of the remaining Minor

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Drainage and Utility Easement remain as previously recorded.

Retaining Wall: The applicant has submitted a site plan showing the demolition and reconstruction of the retaining wall located along the south lot line. The applicant has submitted a temporary construction easement to allow encroachment onto the adjacent lot during reconstruction of the retaining wall.

Utilities: The affected utility companies have indicated concurrence with the request to vacate the utility easement provided that underground utilities are not impacted during construction. However, revised submittal information is necessary in order to verify the depth of the sewer service line under the wall, and determine if sleeving/encasement is required to eliminate potential impacts to the wastewater service line.

Staff recommends approval of the Vacation of Minor Drainage and Utility Easement request with the stipulations as noted above.