

STAFF REPORT  
March 4, 2010

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**No. 10VE003 - Vacation of Private Access and Public Utility Easement**      **ITEM 33**

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GENERAL INFORMATION:

|                            |   |
|----------------------------|---|
| APPLICANT                  | J Scull Construction  |
| AGENT                      | Sperlich Consulting, Inc.   |
| PROPERTY OWNERS            | Willkat, LLC, Stoney Creek Plaza, LLC and Autumn Hills Properties   |
| REQUEST                    | <b>No. 10VE003 - Vacation of Private Access and Public Utility Easement</b>   |
| EXISTING LEGAL DESCRIPTION | Lots 1A, 1B, and Lot 2 of Block 1, and Lot 7 of Block 2 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 1.6064 acres  |
| LOCATION                   | South of Catron Boulevard between Sheridan Lake Road and Bendt Drive  |
| EXISTING ZONING            | General Commercial District (Planned Commercial Development)  |
| SURROUNDING ZONING         |   |
| North:                     | General Commercial District (Planned Commercial Development)  |
| South:                     | General Commercial District (Planned Commercial Development)  |
| East:                      | General Commercial District (Planned Commercial Development)  |
| West:                      | Low Density Residential District  |
| PUBLIC UTILITIES           | City water and sewer  |
| DATE OF APPLICATION        | 2/3/2010  |
| REVIEWED BY                | Ali DeMersseman / Karley Halsted  |

RECOMMENDATION:

Staff recommends that the Vacation of Private Access and Public Utility Easement be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall submit a revised Access Easement

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- document to the Growth Management Department that shows a 26 foot wide access easement adjacent to the proposed 90 degree parking stalls as per Section 17.50.270.F.2 of the Rapid City Municipal Code; and,
2. Prior to Planning Commission approval, the applicant shall submit a revised response from Knology to the Growth Management Department indicating that an easement has been retained for facilities located in the area of the proposed vacation, or that there are no conflicts with the proposed vacation.

GENERAL COMMENTS: The applicant has submitted a Vacation of Private Access and Public Utility Easement request to vacate an existing 26 foot wide Private Access and Public Utility Easement located on portions of Lots 1A, 1B, and Lot 2 of Block 1, and Lot 7 of Block 2 of the Stoney Creek South Subdivision.

On September 25, 2009, the applicant submitted an Initial and Final Planned Commercial Development request (No. 09PD048) to allow one commercial structure with on-sale liquor to be located on Lot 1A of Block 1 of the Stoney Creek South Subdivision. Due to conflicts between the proposed parking plan for the Planned Commercial Development and the Private Access and Utility Easement, the existing easement must be vacated.

The property is located at the intersection of Catron Blvd and Sheridan Lake Road. Currently, the property is void of any structural development.

STAFF REVIEW: Staff has reviewed the Vacation of Private Access and Public Utility Easement request and has noted the following considerations:

Utilities: On February 8, 2010, Knology submitted a letter to the Growth Management Department, which stated that Knology may have facilities in the affected area, and requested that an easement be retained. The applicant has contacted Knology regarding this response, and the facilities in the area are being located to insure that they are not within the area of the proposed vacation. As such, staff recommends that prior to Planning Commission approval the applicant must submit a revised response from Knology to the Growth Management Department indicating that an easement has been retained for facilities located in the area of the proposed vacation, or that there no conflicts with the proposed vacation.

The remaining affected utility companies have indicated concurrence with the request to vacate the private access and utility easement.

Access Easement: The applicant submitted an Access Easement document and exhibit creating a new Access Easement on portions of Lots 1A, 1B, and Lot 2 of Block 1, and Lot 7 of Block 2 of the Stoney Creek South Subdivision. However, the Access Easement exhibit only dedicates a 20 foot wide access easement through the property, whereas Section 17.50.270.F.2 of the Rapid City Municipal Code requires that parking aisles adjacent to 90 degree parking be 26 feet wide. As such, staff recommends that prior to City Council approval, the applicant must submit a revised Access Easement document to the Growth Management Department that shows a 26 foot wide access easement adjacent to the

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proposed 90 degree parking stalls.

Staff recommends that the Vacation of Private Access and Public Utility Easement be approved with the above noted stipulations.