

STAFF REPORT

December 19, 2002

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**No. 02VE024 - Vacation of a Non-Access Easement**

**ITEM 39**

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GENERAL INFORMATION:

PETITIONER	Pat Hall for Eddie H. Rypkema
REQUEST	<b>No. 02VE024 - Vacation of a Non-Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 23R of Ridge Park #4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.24 acres
LOCATION	1128 Flormann Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	11/26/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION: If the Planning Commission determines that the vacation of a portion of the non-access easement is appropriate, then the Planning Commission should recommend approval of the vacation of 35 feet of the non-access easement as shown on Exhibit A with the following stipulation:

Urban Planning Division Recommendations:

1. Prior to City Council approval, the applicant shall provide an original, recordable Exhibit A with a Professional Engineer's stamp and signature.

GENERAL COMMENTS: The applicant is proposing to vacate a 35 foot wide portion of an access easement adjacent to Lot 23R of Ridge Park No. 4 Subdivision along Flormann Street. Lot 23R is located at the intersection of Flormann Street and Hyland Street. The property was replatted in February 2002. At that time, a non-access easement was platted 85 feet east along Flormann Street and 168 feet north along Hyland Drive. Based on discussions with the applicant's representative, an approach was allowed 85 feet east of the intersection on Flormann Street. A dwelling currently occupies the lot.

The driveway has been constructed approximately 50 feet from the intersection within the area identified as part of the non-access easement. The owner has indicated that the

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driveway location was modified during construction to provide better access to the garage. The owner indicated that he had received information during construction from an Engineering Technician indicating that a 50 foot setback from the intersection was required. Unfortunately, that information was not correct.

STAFF REVIEW: Staff has reviewed the request to vacate the access easement adjacent to Lot 23R along Flormann Street. Flormann Street serves as a collector road providing circulation through the Ridge Park No. 4 Subdivision. The Street Design Criteria Manual specifies a minimum 85 foot corner clearance for this driveway/street configuration. The Exhibit A submitted by the applicant indicates the measurement to be approximately 50 feet.

The corner clearance identified in the Criteria Manual was developed to assure safe traffic circulation. If the Planning Commission determines that the vacation of a portion of the non-access easement is appropriate, then the Planning Commission should recommend approval of the vacation of the non-access easement as described on Exhibit A.