

STAFF REPORT  
September 9, 2004

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**No. 04VE018 - Vacation of Non-Access Easement**

**ITEM 40**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Bob Sperling
REQUEST EXISTING LEGAL DESCRIPTION	<b>No. 04VE018 - Vacation of Non-Access Easement</b>  Lot 6B of Block 2 of Century Park Subdivision located in the E1/2 of the SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.88 Acres
LOCATION	1540 Samco Road
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/28/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION: Staff recommends that the Vacation of Non-Access Easement be approved with the following stipulations:

1. A maximum driveway width of 28 feet will be allowed for the subject property;
2. Prior to Planning Commission approval, a separate document recorded at the Pennington County Register of Deeds shall be submitted showing the creation of an access restriction along the entire 40 foot width of the existing shared approach; and,
3. A Special Exception is hereby granted to allow an approach that is closer than 75 feet to the nearest approach across the street as per the Street Design Criteria Manual.

GENERAL COMMENTS: **(This Staff Report was revised on August 27, 2004. All revised and/or added text is shown on bold text.) This item was continued at the August 26, 2004 Planning Commission meeting to allow the applicant time to have the required document creating an access restriction along the entire 40 foot width of the existing shared approach recorded with the Pennington County Register of Deeds.**

The subject property is located on Samco Road between Deadwood Avenue and North Plaza Drive. The subject property is currently vacant. However, an approximate 10,000 square foot office and warehouse building is proposed for the site. On September 15, 2003, the City Council approved a Final Plat subdividing a 2.176 acre parcel of land into two

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separate parcels. The Final Plat included the subject property. In addition, the Final Plat identified a non-access easement along the west lot line of the subject property as it abuts Samco Road. The Final Plat also identified a 25 foot by 40 foot shared approach to serve as access to the two properties. The applicant is now proposing to vacate 40 feet of the non-access easement to serve as access to the lot and place an access restriction where the previously approved shared access easement was located.

STAFF REVIEW: Staff has reviewed the request for a Vacation of Non-Access Easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Driveway Width: The original exhibit submitted with the application shows the proposed driveway approach easement to be 40 feet in width. The Street Design Criteria Manual allows a maximum driveway width of 28 feet in Industrial Zoning Districts. As such, a revised exhibit must be submitted showing the portion of the easement proposed to be vacated to be a maximum of 32 feet in width to accommodate the approach flair.

**On August 25, 2004 the applicant submitted a revised Exhibit A showing the portion of the easement proposed to be vacated to be a maximum of 32 feet in width.**

Shared Approach: As previously indicated a 25 foot by 40 foot shared approach was created on the subject property and the adjacent property to the north when the Final Plat was approved for the two properties. The adjacent property to the north of the subject property, currently has a shared access agreement with the adjacent property to its north, providing legal access to the property. The applicant's submitted exhibit shows the creation of an access restriction to be placed on the subject property where the shared approach is currently located. Because the shared approach is for the benefit of the adjacent property to the north as well as the subject property both the subject property owner and the adjacent property owner must agree in writing to vacate the entire shared approach. Also, the dedication of a new access restriction must be submitted as a separate document.

**On August 25, 2004 the applicant submitted an exhibit showing the entire 40 foot width of the existing shared approach with an access restriction. However, the document had not been recorded with the Pennington County Register of Deeds. The applicant has indicated that they will have the required document recorded with the Pennington County Register of Deeds prior to the September 9, 2004 Planning Commission Meeting.**

Access Separation: Staff noted that the relocation of the driveway approach to the proposed location will place it approximately 64 feet from the nearest approach on the opposite side of the street. Section 8.2.4 of the Street Design Criteria Manual requires that driveway approaches will be located directly opposite each other whenever possible. If this is not possible, a minimum spacing of 75 feet will be required. Staff is recommending that a Special Exception be granted to allow an approach that is closer than 75 feet to the nearest approach across the street as per the Street Design Criteria Manual.

Staff is recommending that this item be approved with the above stated stipulations.