

STAFF REPORT
March 24, 2005

No. 05VE001 - Vacation of a Non-Access Easement

ITEM 20

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Kaski Homes
REQUEST	No. 05VE001 - Vacation of a Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 11, Block 10, Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .44 Acres
LOCATION	At the northwest corner of the intersection of Padre Drive and Sawgrass Court
EXISTING ZONING	Low Density Residential-II District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential-II District (Planned Residential Development)
South:	Low Density Residential-II District (Planned Residential Development)
East:	Low Density Residential-II District (Planned Residential Development)
West:	Low Density Residential-II District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/26/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

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

1. Prior to Planning Commission approval, a revised Exhibit "A" shall be submitted showing the vacated portion of the Non-Access Easement to be a minimum of 80 feet from the northwest corner of Sawgrass Court and Padre Drive; and,
2. The proposed driveway approach on Padre Drive shall align with the proposed driveway approach on the east side of Padre Drive.

GENERAL COMMENTS: **(March 15, 2005 Update) This item was continued at the March 10, 2005 Planning Commission meeting to allow time for the applicant to provide additional information and request an Exception to the Street Design Criteria Manual to allow access - to be taken from the more traveled street.**

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The subject property is located at the northwest corner of Padre Drive and Sawgrass Court. In May 2004 a Final Plat was approved to create eight residential lots as part of the Elks Country Estates Subdivision including the subject property. The recorded plat identified an access restriction along the first 50 feet of Sawgrass Court and along the entire property line along Padre Drive. The applicant is proposing to vacate the northern 85.64 feet of the access restriction along Padre Drive.

STAFF REVIEW: Staff has reviewed the vacation of an access restriction request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Proposed Structure: Staff noted that the property located to the east of the subject property on the east side of Padre Drive is identified as a townhouse lot with a 40 foot wide driveway access. The Street Design Criteria Manual requires that driveway approaches to properties on opposite sides of the roadway will be located directly opposite each other or be separated by a minimum distance of 75 feet. As such, a site plan must be submitted identifying the design of the proposed structure and the location and size of the proposed driveway approach. In addition, a the site plan must show the proposed structure and driveway approach for the property located on the opposite side of Padre Drive to insure that the approaches either align or meet the minimum separation requirements.

On February 28, 2005 the applicant submitted a revised site plan showing the location of the proposed structure on the subject property and the proposed location of the driveway approach. The applicant is proposing to construct a two-family structure on the subject property, with one unit having a driveway approach on Sawgrass Court and the other unity having a driveway approach on Padre Drive. The applicant has also submitted a site plan showing the location of the proposed structure and driveway approach on the east side of Padre Drive. The submitted site plan shows that the two proposed driveway approaches will align with each other, which is in compliance with the Street Design Criteria Manual.

Exception to Street Design Criteria Manual: Staff noted the Padre Drive is identified as a sub-collector and Sawgrass Court is identified as a lane/place street. The Street Design Criteria Manual requires that a property having frontage on more than one street will only be permitted access on the less traveled street. As previously indicated, Sawgrass Court is the less traveled street requiring access to the subject property be taken from Sawgrass Court. As such, an exception to the Street Design Criteria Manual must be granted to allow access to be taken from Padre Drive. Staff is recommending that this request be continued to the March 24, 2005 Planning Commission meeting to allow time for an exception to the Street Design Criteria Manual to allow access be taken from the higher traveled street be requested. Staff is recommending that a site plan be submitted with the exception request justifying the requested exception.

On February 25, 2005 the applicant submitted an application for an Exception to the Street Design Criteria Manual to allow access to be taken from the more traveled street. The applicant is proposing to have two driveway approaches to the subject property. One approach will be on Sawgrass Court and the other will be on Padre Drive. The applicant's site plan shows that the driveway approach on Padre Drive will

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be approximately 80 feet from the corner of Sawgrass Court and Padre Drive and will align with the proposed driveway approach on the east side of Padre Drive. Staff recommends that a revised Exhibit "A" be submitted showing the vacated portion of the Non-Access Easement to be 80 feet from the northwest corner of Sawgrass Court and Padre Drive. Staff has not noted any significant adverse impacts this request may have on the surrounding properties or streets. As such, staff recommends approval of the Vacation of Non-Access Easement with the above stated stipulations.