

STAFF REPORT
April 6, 2006

No. 06VE004 - Vacation of Non-access Easement

ITEM 32

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for FICACS, LLC
REQUEST	No. 06VE004 - Vacation of Non-access Easement
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .939 acres
LOCATION	1805 38th Street
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Vacation of Non-access Easement be denied.

GENERAL COMMENTS:

The applicant has also submitted a Vacation of Non-access Easement request to vacate a portion of a non-access easement located along Canyon Lake Drive. In addition, the applicant has submitted a Request for an Exception to the Street Design Criteria Manual to allow three points of access in lieu of two points of access to the subject property and to allow access from Canyon Lake Drive, the higher order street. The applicant has also submitted an Initial Commercial Development Plan to allow an approximate 1,981 square foot ice cream store to be located on the subject property. (See companion items #06SE001 and 06PD013.)

The property is located in the southeast corner of the intersection of Canyon Lake Drive and 38th Street and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of Non-access Easement request and has noted the following considerations:

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Non-Access Easement: The site plan identifies three approaches to the subject property. Two of the approaches are located along 38th Street and the third approach is located along Canyon Lake Drive. The Street Design Criteria Manual states that a commercial lot may have two approaches. In addition, the Street Design Criteria Manual states that access must be taken from the lesser order street. Canyon Lake Drive is identified as a minor arterial street and 38th Street is classified as a commercial street requiring that access be taken from 38th Street. As noted above, the applicant has submitted a request for an Exception to allow the three approaches and to allow access from Canyon Lake Drive, the higher order street. In addition, the applicant has submitted this Vacation of Non-access Easement request to vacate 26 feet of the non-access easement located along Canyon Lake Drive. The applicant has submitted a written statement citing concerns that customers will not turn down 38th Street to utilize the facility and citing concerns with congestion at the intersection of 38th Street and Canyon Lake Drive. The applicant's written statement is attached for your review. Staff, however, has noted that any potential stacking of customers turning into the property will create less of an impact along 38th Street than along Canyon Lake Drive. In addition, staff has noted in the review of the associated Initial Commercial Development Plan that eliminating the approach onto Canyon Lake Drive will allow the applicant to provide additional stacking lanes for the drive up window as required by the Parking Ordinance. As such, staff is recommending that the Vacation of Non-access Easement to allow access be denied.

Exhibit "A": The Exhibit "A" must be stamped by a Registered Professional Engineer and/or a surveyor. However, the applicant's site plan is not stamped as required. As such, the Exhibit "A" would need to be stamped prior to City Council approval.