

STAFF REPORT
April 10, 2008

No. 08VE003 - Vacation of a portion of a Non-Access Easement

ITEM 47

GENERAL INFORMATION:

APPLICANT	JCP Land Co.
AGENT	Boschee Engineering
PROPERTY OWNER	Paula Lewis
REQUEST	No. 08VE003 - Vacation of a portion of a Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 7 of Stoney Creek Subdivision, located in the NW 1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.36 acres
LOCATION	At the northwest corner of the intersection of Bendt Drive and Yale Court
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Medium Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	2/15/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Planning Commission approval, a revised site plan shall be submitted that provides the location of structures on the property and a justification for the vacation.

GENERAL COMMENTS: (Updated, April 2, 2008. All revised and/or added text is shown in

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bold print.) This item was continued to the April 10, 2008 Planning Commission meeting. Staff recommends that this item be approved with the above mentioned stipulation.

The applicant is proposing to vacate ten feet of a fifty foot Non-Access Easement along Yale Court. The property is located at the northeast intersection of Yale Court and Bendt Drive. A triplex townhome is currently being constructed on the lot. The vacation is needed for access to the lot.

The final plat for this property was approved on October 30, 2006 (File # 06PL156). The final plat established a Non-Access Easement along the first fifty feet of all corner lots. A Planned Residential Development- Final Development Plan was approved by the Planning Commission on January 26, 2006 (File # 05PD093).

STAFF REVIEW: Staff has reviewed this 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 considerations:

SITE PLAN: The site plan that was submitted with the application does not show the location of any structures on the property or any justification for vacating a portion of the Non-Access Easement. Prior to Planning Commission approval a revised site plan showing structures and justification for the Vacation of Non-Access Easement shall be submitted to the Growth Management Department for review and approval.

Exception: An exception to allow a driveway with a forty foot corner setback was previously approved (File #07EX084). Public Works has also issued a permit to allow work in the right-of-way. The existing driveway approach to the property was constructed at the location shown on the site map. During the construction of the townhome it was brought to the attention of the builder that the existing driveway approach was located within a Non-Access Easement as indicated by a note on the plat. The builder submitted a request for an exception to the Rapid City Street Design Standard and Criteria to reduce the setback of the driveway approach from the required fifty foot Non-Access-Easement to forty feet in order to accommodate the location of the existing driveway. The request for the exception was approved by Growth Management and Public Works on July 25, 2007.