

STAFF REPORT  
June 5, 2008

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**No. 08VE012 - Vacation of Non-Access Easement**

**ITEM 72**

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GENERAL INFORMATION:

APPLICANT	Eric Glood
AGENT	John Riss for Riss Homes
PROPERTY OWNER	Charles E. Glood
REQUEST	<b>No. 08VE012 - Vacation of Non-Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 6 of Block 1 of Dunham Estates, located in the NE1/4 NE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.74 acres
LOCATION	At southeast corner of the intersection of Nicklaus Drive and Dunham Drive
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	5/9/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a Vacation of Non-Access Easement request to vacate 25 feet of a non-access easement located along the north lot line of the property as it abuts Nicklaus Drive.

On June 17, 2002, the City Council approved a Final Plat creating 18 residential lots to be known as "Dunham Estates".

The property is located in the southeast corner of the intersection of Nicklaus Drive and Dunham Drive. Currently, the property is void of any structural development.

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STAFF REVIEW:

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

Access Location: The applicant has submitted a site plan showing the future construction of a single family residence on the property with a driveway extending to Nicklaus Drive within the area of the proposed Vacation of Non-Access Easement. The property is a corner lot with Nicklaus Drive located along the north lot line and Dunham Drive located along the west lot line. Nicklaus Drive is identified as a collector street on the City's Major Street Plan. Dunham Drive is classified as a sub-collector street, or the lesser order street. The Street Design Criteria Manual states that access must be taken from the lesser order street. As such, an Exception must be obtained to allow access from Nicklaus Drive, the higher order street, in lieu of Dunham Drive, the lesser order street, as per the Street Design Criteria Manual.

Staff is aware that Dunham Drive was originally to be classified as a collector street on the City's Major Street Plan. However, an error occurred when the map was adopted which resulted in a street located further west of this site as the collector street. Staff is currently working on resolving the error. Once the Major Street Plan is amended to show Dunham Drive as a collector street, both adjacent streets abutting the property will be classified as collector streets. As such, staff would support the exception to allow access from Nicklaus Drive if submitted by the applicant. However, the Street Design Criteria Manual also states that a minimum 70 foot separation must be maintained between an intersection and a driveway along a collector street in order to ensure that sight distance requirements are being met and to maintain a minimum level of safety. Vacating the non-access easement as proposed and constructing a driveway as shown on the applicant's site plan will result in a separation of 50 feet between the proposed driveway and the intersection of Nicklaus Drive and Dunham Drive. As such, an Exception must be obtained to reduce the minimum required separation from 70 feet to 50 feet between the intersection and the proposed driveway before this request can be considered.

Site Plan: The applicant's site plan shows the proposed residence with a 30 foot side yard setback along the east lot line. The Rapid City Municipal Code requires a minimum side yard setback of 12 feet for a two story residence and eight feet for a one story residence in the Low Density Residential District. It appears that the residence could be relocated further east on the property to allow the driveway to be constructed outside of the existing non-access easement.

To date, the applicant has not submitted any justification for the request demonstrating why access can not be taken from Dunham Drive or demonstrating why the proposed driveway along Nicklaus Drive must encroach into the non-access easement. In addition, the Exceptions as identified above must be obtained before this request can be approved. As such, staff is recommending that the Vacation of Non-Access Easement request be denied. The applicant should be aware that staff may consider supporting the request if the Exceptions are obtained and justification is submitted demonstrating the need for the request.