

STAFF REPORT

December 18, 2003

No. 03VE021 - Vacation of Non-Access Easement and a Special Exception to the Street Design Criteria Manual **ITEM 33**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting Inc. for Dennis Zandstra
REQUEST	No. 03VE021 - Vacation of Non-Access Easement and a Special Exception to the Street Design Criteria Manual
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 8 of Elks Country Estates Subdivision in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .041 acres
LOCATION	Along Willowbend Road southeast of Augusta Drive
EXISTING ZONING	Low Density Residential II District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential II District w/Planned Residential Development
South:	Low Density Residential II District w/Planned Residential Development
East:	Low Density Residential II District w/Planned Residential Development
West:	Low Density Residential II District w/Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/20/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Vacation of Non-Access Easement and a Special Exception to the Street Design Criteria Manual be denied.

GENERAL COMMENTS:

On August 21, 2000 the City Council approved a Final Plat to create 11 residential lots as a part of the Elks Country Estates Subdivision. 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 Willowbend Road. The applicant is now proposing to vacate the Non-

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Access Easement, and is requesting a Special Exception to the Street Design Criteria Manual so access to the lot can be taken from Willowbend Road. The lot is currently vacant, but is zoned for a single family residence.

The applicant has indicated that due to the topography of the property any house constructed on the lot, facing Hazeltine Court would require a drive under garage or a garage located under the main floor of the residence. The applicant has indicated that floor plan is undesirable and may make the lot harder to sell. The applicant has also indicated the preference for a walk out basement with the house facing Willowbend Road.

STAFF REVIEW:

Staff has reviewed this request for a Vacation of Non-Access Easement and Special Exception to the Street Design Criteria Manual as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Special Exception:

The Engineering Division staff noted that the Street Design Criteria Manual calls for access to be taken from the lesser order street. Hazeltine Court is a lane/place street, and Willowbend Road is considered a sub collector street. The applicant has requested a special exception to allow access from Willowbend Road which is not the lesser order street. Currently Willowbend Road is serving as the primary access to the west from Elks Country Estates and the adjacent Plum Creek Subdivision. The Major Street Plan calls for a future minor arterial street to be located approximately 1500 feet to 2000 feet to the south of this area. Until the minor arterial street is in place, Willowbend Road will function as a collector street. As such, staff is recommending that the special exception be denied.

Subdivision Design:

Hazeltine Court serves as the primary access street to Lots 4 through 7 of Block 8. If the proposed house for Lot 4 is faced towards Willowbend Road, the rear yard for the property would abut Hazeltine Court. This would create a situation where the rear yard for Lot 4 would be surrounded by the front yards of the other four lots on Hazeltine Court. Lot 3 and Lots 5 through 6 of Block 8 which are adjacent to Hazeltine Court are currently vacant and have not yet been sold. Placing the house as proposed would not be in character with the future development on the adjacent properties or throughout Elks Country Estates.

Staff is recommending denial of the Vacation of a Non-Access Easement, and Special Exception to the Street Design Criteria Manual.