

STAFF REPORT

April 8, 2004

No. 04VE004 - Vacation of an Access Easement and Utility Easement **ITEM 12**

GENERAL INFORMATION:

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| PETITIONER | Dream Design International, Inc. |
| REQUEST | No. 04VE004 - Vacation of an Access Easement and Minor Drainage and Utility Easement |
| EXISTING LEGAL DESCRIPTION | Lot 2 of Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.93 acres |
| LOCATION | 5255 Sheridan Lake Road |
| EXISTING ZONING | General Commercial District w/PCD |
| SURROUNDING ZONING | |
| North: | Low Density Residential District w/PRD |
| South: | General Commercial District w/PCD |
| East: | General Commercial District w/PCD |
| West: | Low Density Residential District w/PRD |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 03/12/2004 |
| REPORT BY | Vicki L. Fisher |

RECOMMENDATION:

Staff recommends that the Vacation of an Access Easement and Minor Drainage and Utility Easement be approved.

GENERAL COMMENTS:

The applicant has submitted a Vacation of an Access Easement and Minor Drainage and Utility Easement request to vacate a 20 foot wide easement as identified located on the subject property. On March 4, 2004 the Planning Commission approved an Initial and Final Planned Commercial Development to construct a 9,000 square foot commercial structure on the subject property.

The site plan also identified that a 4,180 square foot restaurant will be constructed west of the commercial structure as a part of Phase Two of the development. The site plan identified that the proposed restaurant will be located in an existing access and utility easement. As such, the applicant has submitted the Vacation of Easement request as identified.

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The property is located approximately 350 feet north of the Catron Boulevard/Sheridan Lake Road intersection on the east side of Sheridan Lake Road and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of access and utility easement request and has noted the following considerations:

Access: Currently, a 60 foot wide access easement serves as legal access to the subject property as well as an adjoining lot located north of the subject property. Legal access will continue to be provided to the two properties upon vacating a portion of the access easement as proposed. As such, staff is recommending that the access easement be vacated as requested.

Utilities: The applicant has submitted written documentation from all of the affected utility companies indicating that they do not oppose the proposed vacation request. As such, staff is recommending that the utility easement be vacated as proposed.