

STAFF REPORT
November 22, 2006

No. 06VE030 - Vacation of a portion of a 6 foot utility and minor drainage easement **ITEM**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Lifestyle Homes
REQUEST	No. 06VE030 - Vacation of a portion of a 6 foot utility and minor drainage easement
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 2, Kateland Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .11 acres
LOCATION	4303 Kateland Street
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:	Medium Density Residential District (Planned Residential Development)
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/23/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a six foot utility and minor drainage easement be approved with the following stipulation:

1. The drainage swale shall be constructed as described in the approved drainage report.

GENERAL COMMENTS: The subject property is located west of Kateland Street and north of Country Road at 4303 Kateland Street. A one-story single family residence is currently located on the subject property. The subject property is zoned Medium Density Residential District with a Planned Residential Development. The surrounding properties are zoned Medium Density Residential District with a Planned Residential Development.

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On January 6, 2005 Planning Commission approved a Planned Residential Development – Final Development Plan with stipulations to allow the construction of a combination of 42 single family residences and townhomes in the Medium Density Residential Zoning District.

On November 22, 2006 Planning Commission approved a Major Amendment to a Planned Residential Development with the following stipulations:

1. All provisions of the Medium Density Residential Zoning District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development;
2. All stipulations of the Original Planned Residential Development – Final Development Plan shall be met at all times;
3. A minimum 4 foot side yard setback shall be provided for the single family structure on Lot 4 of Block 2, Kateland Subdivision;
4. The Major Amendment to a Planned Residential Development is not effective until such time as the Vacation of Easement (06VE030) is approved by City Council and recorded at the Pennington County Register of Deeds office;
5. That no expansion be allowed along the existing building line without a Major Amendment; and,
6. That any new building shall comply with the minimum required six foot setback should the existing building be removed or destroyed.

The applicant is now proposing to vacate a 50 square foot portion of an existing six foot wide minor drainage and utility easement as shown in Exhibit "A" where a portion of the residence was constructed.

STAFF REVIEW: Staff has reviewed the Vacation of a Utility and Drainage Easement request and has noted the following issues:

Utility Company Approval: The vacation of a utility easement requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted. All five affected utility companies have provided written documentation indicating that they do not have objections to vacating the utility easement.

Grading and Drainage: Staff noted that the applicant submitted drainage calculations for the subject property. It appears that the existing structure will not have any significant adverse effects on the existing drainage route as long as the drainage swale is constructed as detailed in the drainage report.

Staff has reviewed the request for the vacation of a portion of a minor drainage and utility easement and has determined that the easement will not have any significant effects on future development. As such, Staff recommends that the Vacation of the Minor Drainage and Utility Easement be approved with the previously stated stipulations.