

STAFF REPORT  
March 8, 2007

---

**No. 07VE003 - Vacation of Non-Access Easement**

**ITEM 42**

---

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07VE003 - Vacation of Non-Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .49 acres
LOCATION	Northwest corner of the intersection of Prestwick Road and Muirfield 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:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

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

- 1. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval or a Special Exception to the Street Design Criteria Manual shall be submitted and approved to reduce the approach location from a minimum of 75 feet from the end of the curb radius as per Figure 8.1 of the Rapid City Street Design Criteria Manual to a minimum of 65 feet from the end of the curb radius, and;**
- 2. Prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street shall be submitted and approved for the subject property.**

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the non-access easement to serve as access to the lot because of topographic constraints on Prestwick Road. The subject property is located in the northwest corner of the intersection of Prestwick Road and Muirfield Drive. The property is currently vacant but a single family

STAFF REPORT  
March 8, 2007

---

**No. 07VE003 - Vacation of Non-Access Easement**

**ITEM 42**

---

residence is proposed for construction on the site.

On August 4, 2003 City Council approved a Preliminary and Final Plat (03PL053) with stipulations that included the subject property. The Final Plat identified a non-access easement along the south lot line of the subject property as it abuts Muirfield Drive.

On December 12, 2003 City Council approved a Vacation of a Non-Access Easement request (03VE020) with stipulations for the property in the northeast corner of Prestwick Road and Muirfield Drive due to topographic constraints along Prestwick Road.

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:

Revised Exhibit "A": Staff noted that the Exhibit "A" submitted shows a portion of the non-access easement being vacated on this document. However, the Exhibit "A" indicates a 30 foot wide portion of the non-access easement being vacated a distance of 50 feet from the east property line. The Rapid City Street Design Criteria Manual requires that the approach to be a minimum of 75 feet from the end of the curb radius as per Figure 8.1 and that the width of a residential approach should not be more than 20 feet wide. As such, staff recommends that prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval as identified.

**On February 27, 2007 the applicant submitted a revised exhibit "A" for review and approval; however, the revised exhibit showed the approach to be located 65 feet from the end of the curb radius in lieu of the minimum 75 feet from the end of the curb radius as required in the Rapid City Street Design Criteria Manual. The applicant also submitted a Special Exception to reduce the approach location from a minimum of 75 feet from the end of the curb radius as per Figure 8.1 of the Rapid City Street Design Criteria Manual to a minimum of 65 feet from the end of the curb radius. Staff recommends that prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval with the approach located a minimum distance of 75 feet from the end of the curb radius or a Special Exception request shall be submitted and approved.**

Grading Plan: The applicant stated the reasons for the change of access to the site are to keep the proposed structure above the curb line of Prestwick Road and to eliminate the need to construct 10 to 12 foot high retaining walls on the site. Staff noted that no grading plan was submitted for the proposed construction and that the current grades of the lot do not appear to be in accordance with the approved grading plan. Staff recommends that prior to Planning Commission approval, a grading plan be submitted for review and approval justifying the proposed vacation of the non-access easement.

**On February 26, 2007 the applicant submitted a grading plan justifying the proposed vacation of the non-access easement due to topographic constraints along Prestwick Road that limited access to the site.**

Special Exception: Staff noted Muirfield Drive is classified as a collector street on the Major

STAFF REPORT  
March 8, 2007

---

**No. 07VE003 - Vacation of Non-Access Easement**

**ITEM 42**

---

Street Plan. In addition, Prestwick Road, located along the east lot line of the subject property, is identified as a sub collector street. As such, staff is recommending that prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street be submitted and approved for the subject property.

**On February 26, 2007 the applicant submitted a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street.**

**This item was continued to the March 8, 2007 Planning Commission meeting at the applicant's request. Staff recommends that the Vacation of a Non-Access Easement be approved with the above stated stipulations.**