

STAFF REPORT
June 26, 2007

No. 07VE011 - Vacation of a portion of a Utility and Minor Drainage Easement **ITEM**

GENERAL INFORMATION:

PETITIONER	Dr. Gregory P. Williams
REQUEST	No. 07VE011 - Vacation of a portion of a Utility and Minor Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 1B of North 80 Subdivision, located formerly in Government Lot 2, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .88 acres
LOCATION	330 E. Stumer Road
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District
South:	Office Commercial District - General Commercial District (Planned Commercial Development)
East:	Office Commercial District
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	7/1/523
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Utility and Minor Drainage Easement be approved with the following stipulation.

1. Prior to Public Works Committee approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS:

The applicant has submitted a request to vacate a portion of an eight foot Utility and Minor Drainage Easement. The subject property is located northwest of the intersection of East Stumer Road, and 5th Street. The property that the subject easement lies on is Lot 1B of North 80 Subdivision, the Final Plat associated with this lot was approved on July 11, 2005 (#05PL125). Currently a oral surgery clinic is located upon the property. The property is currently zoned Office Commercial District.

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STAFF REVIEW:

The applicant has submitted a request to vacate a 6 foot by 20 foot portion of a Minor Drainage and Utility easement located at the southwest corner of the lot. The applicant has indicated that the vacation of a portion of the easement is necessary to allow the placement of sign to advertise the applicant's business. A portion of an adjacent lot separates the applicant's lot from 5th Street. The applicant wishes to place a sign closer to 5th Street in an area currently dedicated as part of a Utility and Minor Drainage Easement.

DRAINAGE CALCULATION:

On June 13, 2007 the applicant submitted drainage data as requested by staff. Staff has reviewed the drainage information and found that the proposed vacation of the Utility and Minor Drainage Easement will not adversely affect the subject property or any surrounding properties.

UTILITIES:

The Vacation of Easement request requires the permission of all affected utility companies. As of this writing only Black Hills Power, Prairie Wave, and Qwest have approved the applicants request for vacation of easement. However, the approval of Mid Continent and Montana-Dakota Gas has not yet been reviewed. This information must be submitted prior to approval of this request.

Staff recommends that the Vacation of a portion of the Minor Drainage and Utility Easement be continued to the July 5, 2007 Planning Commission meeting to allow the applicant to submit additional drainage information, and the approvals of the affected utilities.