

STAFF REPORT
December 30, 2008

No. 08VE030 - Vacation of a Minor Drainage and Utility Easement

GENERAL INFORMATION:

APPLICANT	Chad Carpenter
AGENT	Renner & Associates
PROPERTY OWNER	Chad Carpenter
REQUEST	No. 08VE030 - Vacation of a Minor Drainage and Utility Easement
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Block 3 of Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.12 Acres
LOCATION	5624 and 5712 Bendt Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	Low Density Residential District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/20/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant is proposing to vacate a portion of an existing minor drainage and utility easement between Lots 1 and 2 of Block 3 of Stoney Creek South Subdivision as shown in Exhibit "A" to allow the construction of a commercial building. The property is located south of Catron Boulevard and east of Bendt Drive and is currently void of any structural development.

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On December 4, 2008, the Planning Commission approved a Planned Commercial Development – Initial and Final Development Plan (#08PD053) for the property with the following stipulations:

1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
2. The air handling units and dumpsters shall be located in compliance with the proposed plan and screened along all four sides;
3. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s);
4. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office and the existing easements shall be vacated;
5. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
6. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
8. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
9. A minimum of 24 parking spaces shall be provided with one of the parking spaces being handicap “van accessible”. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
10. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
11. A minimum of 101,320 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
12. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
13. The Planned Commercial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

STAFF REVIEW: The applicant is proposing to vacate a portion of an existing minor drainage and utility easement as shown in Exhibit “A” to allow the construction of a commercial

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building. The easement runs generally east and west through the property.

Grading and Drainage: As previously noted, a Planned Commercial Development – Initial and Final Development Plan was approved for the property. As part of that application a grading plan and drainage calculations for the property were submitted for review and approval demonstrating the proposed vacation of the drainage easement will not have any significant adverse effects on the existing drainage route and surrounding properties.

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.

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