

STAFF REPORT
June 30, 2009

No. 08VE027 - Vacation of Utility and Minor Drainage Easement

GENERAL INFORMATION:

APPLICANT	Neil Foust for Foust Construction, Inc.
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Neil Foust
REQUEST	No. 08VE027 - Vacation of Utility and Minor Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 14 of Block 5 of Park Meadows Subdivision, located in the SE1/4 NE1/4, Section, 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.24 acres
LOCATION	2423 Smith Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/10/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: The property is located at 2423 Smith Avenue north of Merlot Drive and west of Smith Avenue. The property is currently zoned Low Density Residential District. The adjacent properties to the north, south, east and west are currently zoned Low Density Residential District. The applicant is proposing to vacate a 19 foot portion of an eight foot wide Utility and Minor Drainage Easement on the south lot line of the property. The applicant has indicated that the Vacation of Utility and Minor Drainage easement is needed to construct a 19 foot by 6 foot deck with a 2 foot side yard setback.

STAFF REVIEW: Staff has reviewed the Vacation of Utility and Minor Drainage Easement and noted the following considerations:

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Setbacks: Staff noted that the proposed deck meets the minimum setback requirements of Section 17.50.250 of the Rapid City Municipal Code.

Drainage Plan: The applicant has submitted a drainage plan for the proposed vacation of the minor drainage easement. Staff reviewed the drainage information and found that the proposed vacation of the Utility and Minor Drainage Easement will not adversely affect the property or any 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.