

STAFF REPORT
August 10, 2010

No. 10VE009 - Vacation of Utility and Drainage Easement

ITEM

GENERAL INFORMATION:

APPLICANT	Don Holloway
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Don Holloway
REQUEST	No. 10VE009 - Vacation of Utility and Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 1 of the Villaggio at Golden Eagle, located in the E1/2 NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, south Dakota
PARCEL ACREAGE	Approximately 0.410 acres
LOCATION	5734 Montebello Court
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Office Commercial District (Planned Commercial Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/9/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the Utility and Minor Drainage Easement as shown in Exhibit "A" on Lot 7, Block 1 of Villaggio at Golden Eagle. In particular, the applicant is proposing to vacate an 8 foot 6 inch by 6 foot by 6 foot triangular portion of the Utility and Minor Drainage Easement along the rear, or east, lot line beginning 18 feet south of the north lot line. The applicant has indicated that they would like

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to place a storage shed within the area of vacation.

The property is located at 5734 Montebello Court, on the east side of Montebello Court, east of Villagio Court and north of Golden Eagle Drive. A single family residence is currently located on the property.

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

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

Drainage: Staff review has noted that stormwater drainage currently sheet flows to the east-northeast across the property and off site onto the adjacent property. In addition, the easement is not graded to control flows for stormwater drainage. The property to the east is currently undeveloped and drainage information has not been provided for the adjacent property. As such, future development on the adjacent property to the east may require containment or channelization of drainage within the existing easements on the subject property. The proposed vacation request will leave a minimum 5 foot wide utility and minor drainage easement on the property for future drainage needs.

Justification: In reviewing the requested vacation of easement, the City Engineer has indicated that the justification for the vacation of a portion of the utility and minor drainage easement is based on the applicant's compliance with the minimum required setback of five feet for an accessory structure located more than 100 feet back of the front property line. As such, the City Engineer has recommended approval of the request.

Planned Residential Development: The property is located within a Planned Residential Development. As such, the applicant should be aware that prior to the issuance of a building permit for the proposed storage shed, a Minimal Amendment to the Planned Residential Development must be obtained.

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