

STAFF REPORT  
July 21, 2011

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**No. 11VE017 - Vacation of Minor Drainage and Utility Easement**

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GENERAL INFORMATION:

APPLICANT	M&P Developments
AGENT	Renner & Associates, LLC
PROPERTY OWNER	DTH, LLC
REQUEST	<b>No. 11VE017 - Vacation of Minor Drainage and Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lot A of Tract E-3R of McMahon Subdivision located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.06 acres
LOCATION	On the south side of Kathryn Avenue approximately 220 feet west of the intersection of Kathryn Avenue and Haines Avenue
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	city/ city
DATE OF APPLICATION	6/22/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. Prior to Public Works Committee approval, a Temporary Construction Easement for the proposed construction on the neighboring property to the east shall be obtained and recorded at the Register of Deeds Office and a copy shall be submitted to the Growth Management Department.

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**No. 11VE017 - Vacation of Minor Drainage and Utility Easement**

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GENERAL COMMENTS: The applicant has submitted a Vacation of Minor Drainage and Utility Easement request to vacate an 8 foot wide minor drainage and utility easement located along the east lot line and 6 feet of the 8 foot wide minor drainage and utility easement located along the south lot line.

On June 23, 2011, an Initial and Final Planned Commercial Development (File # 11PD020) was approved by the Planning Commission to allow the construction of storage units on the property. The proposed storage units encroach into the existing 8 foot wide minor drainage and utility easement. As such, the applicant is proposing to vacate a portion of the easement as shown in the attached "Exhibit A".

The property is located on Kathryn Avenue, north of Interstate 90, approximately 220 feet west of Haines Avenue. This land is currently undeveloped.

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

Utilities: The applicant has submitted written documentation from all affected utilities indicating concurrence with the Vacation request.

Drainage: Current plans show a proposed drainage path located on the property to the east. This path will accommodate flows from the neighboring property. A Temporary Construction Easement is required for construction on the neighboring property located east of this site. As such, prior to Public Works Committee approval, a Temporary Construction Easement for the proposed construction on the neighboring property to the east must be obtained and recorded at the Register of Deeds Office and a copy must be submitted to the Growth Management Department.

Staff recommends that the request for the Vacation of a Minor Utility or Drainage Easement be approved with the stipulation described above.