

STAFF REPORT  
February 14, 2012

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**No. 12VE002 - Vacation of a Utility and Minor Drainage Easement**

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GENERAL INFORMATION:

APPLICANT	Ray Lipsey
AGENT	Ron Bengs for Advanced Engineering
PROPERTY OWNER	Dacotah Medical Properties - Ray Lipsey
REQUEST	<b>No. 12VE002 - Vacation of a Utility and Minor Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot A2R of Block 2 of Fox Run Subdivision located in the NE1/4 NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.505 acres
LOCATION	3625 5th Street
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	Medium Density Residential District (Planned Residential Development) - Office Commercial District (Planned Commercial Development)
East:	Medium Density Residential District
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	1/27/2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

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

1. Prior to approval by the Public Works Committee, written documentation shall be obtained from Qwest and SDN Communications indicating concurrence with the proposed vacation of easement request; and,
2. Prior to approval by the Public Works Committee, a revised Exhibit "A" document shall be submitted for review and approval.

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GENERAL COMMENTS:

The applicant has submitted a Vacation of Utility and Minor Drainage Easement request to vacate an approximately 8 foot by 10 foot easement. The area of vacation extends from the northwest corner of the property approximately 10 feet to the east and approximately 8 feet deep. The applicant is proposing to construct a retaining wall in this area. In addition, the applicant has submitted a Major Amendment to a Planned Commercial Development (File #12PD004) to extend the parking area on the above legally described property.

On January 21, 1985, a Planned Residential Development to allow townhomes (File #UR589) was approved with stipulations.

On July 6, 1992, a Major Amendment to a Planned Residential Development to revise the approved street plan (File #UR1096) was approved with stipulations.

On December 6, 1993, a Planned Commercial Development to allow two 14,000 square foot medical office buildings (File #UR1243) was approved with stipulations.

On December 20, 1993, a Rezone request from Medium Density Residential District to Office Commercial District (File #RZ1244) was approved in conjunction with an associated Planned Commercial Development (File #UR1243).

On May 20, 1996, a Major Amendment to a Planned Unit Development to allow for an additional Office Building (File #UR1488) was approved with stipulations.

On August 5, 1996, a Minor Amendment to a Planned Commercial Development to remove the screening fence requirement (File #UR1527) was approved.

On April 7, 1997, a Minor Amendment to a Planned Commercial Development to add a parking lot and to reduce the setback for the parking lot from 15 feet to 1 foot 5 inches (File #UR1575) was approved with stipulations.

On June 16, 1997, a Minor Amendment to a Planned Commercial Development to allow the addition of approximately 1,000 square feet of enclosed building area (File #UR1597) was approved with stipulations.

On November 3, 1997, a Preliminary and Final Plat (File #PL2410) was approved creating the above legally described property.

On January 27, 2012, the applicant submitted a Major Amendment to a Planned Commercial Development (File #12PD004) to expand the parking lot located on the above property.

The property is located northwest of the intersection of 5<sup>th</sup> Street and Fox Run Drive. The Veterans Affairs Hospital is located on the property.

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STAFF REVIEW:

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

Utility Companies: All of the utility companies have indicated concurrence with the Vacation request with the exception of Qwest and SDN Communications. As such, prior to approval by the Public Works Committee, written documentation must be obtained from Qwest and SDN Communications indicating concurrence with the proposed vacation of easement request.

Drainage: Public Works staff has indicated concurrence with the vacation of the minor drainage easement because it appears that the easement is not being used to convey channelized runoff from this property or the upstream property. The Major Amendment to the Planned Commercial Development shows offsite stormwater runoff being accommodated by the proposed parking lot's water quality feature.

Exhibit: A number of revisions must be addressed on the Exhibit "A" document as submitted with the application. Prior to approval by the Public Works Committee, a revised Exhibit "A" document must be submitted for review and approval.

Staff is recommending that the Vacation of Utility Easement request be approved with stipulations as noted above.