

STAFF REPORT
June 21, 2007

No. 07VE012 - Vacation of a Non-Access Easement

ITEM 15

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Martley/Farrar Inv.
REQUEST	No. 07VE012 - Vacation of a Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 2 of Lowe's Subdivision, located in the NW1/4 NE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.09 acres
LOCATION	North of Disk Drive and East of Haines Avenue
EXISTING ZONING	General Commercial District - Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District - Shopping Center 2 District
West:	General Commercial District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	5/25/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of the Non-Access Easement be approved with the following stipulation:

1. Prior to Planning Commission approval the applicant shall submit for review and approval additional topographic data for Lot 2 that demonstrates that the gradient standard can be met for future connectivity of a driveway(s) and the proposed approach.

GENERAL COMMENTS:

The applicant has submitted a request to vacate a non-access easement. The property is located along Disk Drive, east of the intersection of Disk Drive and Haines Avenue. More specifically, Lowe's abuts the subject property on the northern boundary, and Best Buy abuts the subject property on the western boundary. Lot 2 is currently zoned General Commercial District and is void of any structural development. Lot 2 was platted on January 17, 2001 (#01PL079).

The non-access easement measures 40 feet in length and abuts the right-of-way of Disk Drive. The purpose of the non-access easement is to prohibit ingress and egress to and from Lot 2 by way of Disk Drive. Currently access to Lot 2 is by way of a 48 foot permanent access easement

STAFF REPORT
June 21, 2007

No. 07VE012 - Vacation of a Non-Access Easement

ITEM 15

that is located on Lot 1, which abuts Lot 2 on the northern boundary.

The applicant has submitted a request to vacate a non-access easement located on Lot 2, Lowe's Subdivision. The applicant has submitted plans identifying a proposed approach on to Disk Drive that would be a right in/ right out approach. The proposed approach measures 30 feet in width and connects into Disk Drive parallel from the existing approach for Hardee's Restaurant, which lies on the eastern side of Disk Drive. The applicant has indicated that vacation of the existing non-access easement associated with Lot 2 is needed in order to construct the proposed approach with better grades than would otherwise result from the construction of the same approach outside of the non-access easement.

STAFF REVIEW:

The applicant has submitted plans of the proposed approach. Staff has noted that prior to construction of the proposed approach the applicant is required to submit complete construction plans for review and approval, and obtain all the necessary building permits prior to construction. The plans identify the approach extending 280 feet from the southern portion of Lot 2 and a small portion of the parcel abutting Lot 2 on the eastern boundary before connecting into Disk Drive. The construction plan identifies the grade of the proposed approach to not exceed 10 percent at its steepest point. The applicant's proposed approach plan does not identify topographical data for all of Lot 2. Additional topographical data for Lot 2 is needed to review the connectivity and gradient standards of the proposed approach and any future driveways on Lot 2. Prior to Planning Commission approval, the applicant shall submit for review and approval additional data showing topography of the additional area on Lot 2. Staff has noted that the proposed approach is shown to be located within a permanent access easement measuring 100 feet in width that abuts the right-of-way of Disk Drive and does not encroach on any adjacent property.

Staff has noted that the proposed approach can be constructed without the approval of the vacation of this non-access easement. However the grades of the proposed driveway will be improved if the non-access easement is vacated. For this reason Staff recommends that the Vacation of a Non-Access Easement be approved, assuming compliance with the stated stipulation.