

STAFF REPORT
August 31, 2004

No. 04VE017 - Vacation of Utility Easement

GENERAL INFORMATION:

PETITIONER	Kelly Cotten for Kelly's Sports Lounge
REQUEST EXISTING LEGAL DESCRIPTION	No. 04VE017 - Vacation of Utility Easement Tract 1 of Lot 3 of Dow Tract located in SW14 NW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .52 Acres
LOCATION	825 Jackson Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/22/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION: Staff recommends that the Vacation of Utility Easement be approved with the following stipulations:

1. Prior to City Council approval a site plan shall be submitted showing the location of the existing water and sewer service lines and the five existing satellite dishes;
2. Prior to City Council approval a site topography plan shall be submitted showing all existing features above and below the ground; and,
3. Prior to City Council approval, all affected utility companies shall submit documentation that they do not object to vacating the utility easement.

GENERAL COMMENTS: The subject property is located on the north side of Jackson Boulevard between Mountain View Road and West Kansas City Street. In 1976, a Building Permit was issued for the original structure on the subject property. In 1985, a Building Permit was issued to convert the structure into a restaurant and lounge. In 1988 and 1992, Building Permits were issued for the construction of additions to the original structure. In 1990 City Council approved a Final Plat creating the subject property. As part of that plat an existing 20 foot wide access easement was vacated. However, eight feet of the vacated easement was retained as a utility easement.

The applicant is now proposing to expand the existing structure. The proposed addition will

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encroach into the existing utility easement. The applicant is now proposing to vacate an eight foot wide by 70 foot long portion of the utility easement to allow the construction of an addition to the existing structure.

STAFF REVIEW: Staff has reviewed the request for a Vacation of Utility Easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Site Plan: Staff noted that no site plan was submitted with the application. Prior to City Council approval a site plan must be submitted showing the location of the existing water and sewer service lines and the five existing satellite dishes as well as all other site improvements.

Site Topography: Staff noted that a site topography plan was not submitted with the application. Prior to City Council approval a site topography plan must be submitted showing all existing features above and below the ground.

Utility Company Approval: Responses from all five utility companies have been received. Four of the utility companies expressed no objections to vacating the utility easement. However, Black Hills Power is requesting that they have in place a private easement for any power line that is present in the easement. The applicant has indicated that he is meeting with representatives from Black Hills Power on August 18, 2004 to resolve this issue. Prior to City Council approval, all affected utility companies must submit documentation that they do not object to vacating the utility easement.

Staff is recommending that this item be approved with the above stated stipulations.