

STAFF REPORT

September 4, 2003

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**No. 03VE011 - Vacation of Note on Plat**

**ITEM 5**

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GENERAL INFORMATION:

|                            |   |
|----------------------------|---|
| PETITIONER                 | Renner & Sperlich Engineering Co. for Dr. Paul Reinke   |
| REQUEST                    | <b>No. 03VE011 - Vacation of Note on Plat</b>   |
| EXISTING LEGAL DESCRIPTION | Lot 15, Copper Oaks#2, located in the N1/2 NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 1.776 acres   |
| LOCATION                   | Along Wilderness Canyon Road  |
| EXISTING ZONING            | Suburban Residential District   |
| SURROUNDING ZONING         |   |
| North:                     | Suburban Residential District   |
| South:                     | Suburban Residential District   |
| East:                      | Suburban Residential District   |
| West:                      | Suburban Residential District   |
| PUBLIC UTILITIES           | Community water and septic  |
| DATE OF APPLICATION        | 08/06/2003  |
| REPORT BY                  | Jeff Marino   |

RECOMMENDATION:

Staff recommends that the Vacation of Note on Plat be approved with the following stipulation:

Engineering Division Recommendations:

1. Prior to City Council approval, "Exhibit A" shall be revised to eliminate the notes identifying the setbacks.

GENERAL COMMENTS: The applicant has submitted a request to vacate a note on a plat that currently requires a 100 foot setback off of Quartz Canyon Lane. This plat was approved in 1986. If the note on the plat is vacated, all structures on the property will have to comply with the County's Suburban Residential Zoning District at all times.

STAFF REVIEW: Staff has reviewed the request for the vacation of a note on the plat and has noted the following concerns:

Notes on the Plat: "Exhibit A" as submitted includes the building setbacks on the document.

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Staff recommends that prior to City Council approval these setbacks be removed from the exhibit. Staff is concerned that by showing these setbacks on the exhibit, these setbacks will be binding, once Exhibit A is filed as a miscellaneous document. This situation could potentially create problems in the future, if the county changes the setback requirements for that zoning district, the property is rezoned, or if a variance is granted. Staff recommends these notes be removed and that the applicable zoning regulations govern the setbacks.

Based on the information referenced above, Staff recommends the vacation of note on the plat as identified on "Exhibit A" is approved with the stated stipulations.