

STAFF REPORT  
November 6, 2008

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**No. 08VE026 - Vacation of a Note on a Plat**

**ITEM 49**

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GENERAL INFORMATION:

APPLICANT	Gary and Donna Kluthe
AGENT	City of Rapid City
PROPERTY OWNER	Multiple Property Owners
REQUEST	<b>No. 08VE026 - Vacation of a Note on a Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 1 and Lots 3 thru 18 of Block 2 of Silver Spur Estates and Dedicated Stirrup Court Right-of-Way, located in the E1/2 NE1/4, Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 44.32 acres
LOCATION	South of Sheridan Lake Road and adjacent to Stirrup Court
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
DATE OF APPLICATION	10/10/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of a Note on a Plat be approved.

GENERAL COMMENTS: The Silver Spur Estates Subdivision is located south of Sheridan Lake Road and west of Peregrine Place. The properties located within the subdivision are currently zoned Suburban Residential District in Pennington County. The Final Plat for the subdivision was approved on September 21, 2005. The applicant has submitted a request to vacate a note on the plat that states all residential structures shall be sprinklered.

STAFF REVIEW: The original plat document known as Silver Spur Estates Subdivision identifies a requirement that "all residential structures shall be sprinklered". The applicant is requesting to vacate this requirement.

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Section 901.4.3 of the 2003 International Fire Code states "In occupancies of a hazardous nature, where special hazards exist in addition to the normal hazards of occupancy, or where the fire code official determines that access for fire apparatus is unduly difficult, the fire code official shall have the authority to require additional safeguards. Such safeguards include, but shall not be limited to, the following: automatic fire detection systems, fire alarm systems, automatic fire-extinguishing systems, standpipe systems, or portable or fixed extinguishers. Fire protection equipment required under this section shall be installed in accordance with this code and the applicable referenced standards".

At the time that the final plat was completed for this subdivision the Fire Code Official deemed it necessary to require that all residential structures be fire sprinkled. However, Silver Spur Estates is located more than one mile outside of the Rapid City Limits and is not under the jurisdiction of the Rapid City Fire Department. As such, staff recommends that the vacation of a note on a plat be approved.