

STAFF REPORT  
November 9, 2006

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**No. 06VE027 - Vacation of a Note on a Plat**

**ITEM 26**

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GENERAL INFORMATION:

PETITIONER	Kenneth N. and Helen W. Han
REQUEST	<b>No. 06VE027 - Vacation of a Note on a Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 33, Block 3, Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .49 acres
LOCATION	5499 Blue Stem Court
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	Colonial Pine Hills Sanitary District
DATE OF APPLICATION	10/4/2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

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

GENERAL COMMENTS:

On May 6, 1996 City Council approved a Final Plat that included the subject property. A note on the plat identifies a 40 foot building setback line. The applicant is requesting the removal of the note from the plat as it conflicts with the Pennington County Zoning requirements for the Suburban Residential Zoning District. The Pennington County Zoning Ordinance states that all structures shall have a front yard setback of twenty-five feet and the note on the plat requires a 40 foot front yard setback. The property is located south of Blue Stem Court and West of Countryside Boulevard at 5499 Blue Stem Court. A single family residence with an attached garage is currently located on the subject property.

STAFF REVIEW:

Staff has reviewed the proposed vacation of note on the plat as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Setbacks: As previously stated, there is an existing single family residence located on the subject property. The plat notes a 40 building setback line along Countryside Boulevard. The

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existing residence meets the minimum front yard setback requirements of the Pennington County Zoning Ordinance by providing a minimum 25 foot front yard setback to the residence.

Countryside Boulevard: Countryside Boulevard is identified as a proposed collector street on the Major Street Plan requiring that it be located in a minimum 60 foot wide right-of-way. Staff noted that a 76 foot wide right-of way was dedicated on the Final Plat providing sufficient right-of-way for a collector street.

Staff recommends approval of the Vacation of Note on Plat.