

STAFF REPORT  
June 7, 2007

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**No. 07VE009 - Vacation of a Note on a Plat**

**ITEM 12**

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Dennis Selting
REQUEST	<b>No. 07VE009 - Vacation of a Note on a Plat</b>
EXISTING LEGAL DESCRIPTION	Lot B of Lot 3 of Dairyland Subdivision located in the SW1/4 SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.8 acres
LOCATION	2340 E. St. Patrick Street
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District (Planned Commercial Development)
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Loren Fuhrmann / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a request to vacate a front yard building setback note on a plat.

The subject property is located at the Northwest corner of the intersection of St. Patrick Street and Sedivy Lane. The subject property is located within the municipal boundaries of the City of Rapid City. Current zoning of the subject property is Light Industrial District. Westar Motors Trailer Sales and Westar Motors Storage Units are currently located on the subject, which is a permitted use in a Light Industrial District.

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STAFF REVIEW:

The original plat document known as Lot B of Lot 3, Dairyland Subdivision located in the SW ¼ of the SE ¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, identifies a front yard building setback of 42 feet along the East lot line and 25 feet along the South lot line of the subject property.

The applicant is requesting to vacate a note on the plat requiring a 42 foot front yard building setback along the East lot line and a 25 foot front yard building set back along the South lot line of the subject property. The applicant has submitted a vacation document prepared by a Registered Professional Engineer, identified as "Exhibit A", which identifies the subject lot and the proposed note vacation.

The subject property is currently zoned Light Industrial District.

The subject property is a corner lot. Rapid City Zoning Ordinance requires a minimum 25 foot front yard setback on both sides that abut the public street right-of-way. The applicant would be required to obtain a variance to the dimensional requirements in a Light Industrial District if any future structure did not meet the minimum 25 foot setback.

The majority of the existing building located on the subject property as shown on the site plan submitted by the applicant, meets current setbacks except the North 30.3 feet of the building is located 22.8 feet from the East lot line rather than the required 25 feet.

The Rapid City Zoning Board of Adjustment granted a five foot side setback from the West lot line rather than the required 25 feet, for the construction of a 30 x 120 addition onto an existing building, located on the subject property on February 15, 1983.

The applicant has submitted a variance request to the Zoning Board of Adjustment to allow the existing building to be 22.8 feet from the East lot line rather than the required 25 foot front yard setback. The Zoning Board of Adjustment hearing has been set for June 19, 2007.

As such staff is recommending that the Vacation of Note on the Plat be approved.