

STAFF REPORT

August 7, 2003

No. 03VE008 - Vacation of Note on Plat

ITEM 10

GENERAL INFORMATION:

PETITIONER	Elton Bierman
REQUEST	No. 03VE008 - Vacation of Note on Plat
EXISTING LEGAL DESCRIPTION	Lots A and B of Lot 1, Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.655 acres
LOCATION	1502 East Centre Street
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/09/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the vacation of a note on the plat identifying a 25 foot setback line be approved.

GENERAL COMMENTS:

The applicant is proposing to vacate a note on platted property legally described as Lots A and B of Lot 1 of Cambell Square Addition. The note identifies a "25 foot setback line" along the perimeter of the two properties.

Currently a commercial structure is located on the property. The structure is located 14.5 feet from the front lot line and 21 feet from the rear lot line. The property is zoned Light Industrial District and requires a minimum 25 foot front, side and rear yard setback. The structure was constructed in 1962. The property was subsequently annexed into the City limits of Rapid City in 1977. In 1986 the City approved a Preliminary and Final Plat to subdivide the property into the two lots as identified above; however, the property owner's consultant identified that the existing structural development did not encroach into the

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required setback(s).

On July 15, 2003, the Zoning Board of Adjustment denied a variance request to reduce the front and rear yard setbacks from 25 feet to 14.5 feet and 21 feet, respectively.

STAFF REVIEW:

Creek Drive is located along the east lot line of the subject property and is identified as a minor arterial street on the Major Street Plan. Currently, Creek Drive has a 66 foot wide right-of-way. An arterial street requires a minimum of 100 feet of right-of-way. As this area continues to develop and/or redevelop, an additional 17 feet of right-of-way will be needed from the subject property in order to provide sufficient right-of-way for Creek Drive. As such, the Zoning Board of Adjustment denied the variance request to reduce the setback from Creek Drive and instead recommended that the applicant submit a Planned Light Industrial Development request to allow the reduction of the front yard setback as identified. The Planned Light Industrial Development can serve as a tool to allow the existing structure to remain in its current location until such time as the City needs the additional right-of-way. The applicant has indicated that if the vacation of the note on the plat is approved, a Planned Light Industrial Development request will be submitted for review and approval.

In the past the City has allowed setback notes to be identified on plat documents. However, the notes become troublesome when they do not concur with the underlying zoning district or when encroachments occur such as in this case. Today, the City does not allow the setback notes to be shown on plat documents. Staff is recommending that the note on the plat be vacated as proposed. However, the applicant should be aware that the City of Rapid City encourages adherence to the Rapid City Municipal Code and may not support further requests to encroach into the minimum 25 foot setback(s).