

STAFF REPORT
November 9, 2006

No. 06VE028 - Vacation of Note on a Plat

ITEM 27

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Richard Gary and Cory Michael Lundstrom
REQUEST	No. 06VE028 - Vacation of Note on a Plat
EXISTING LEGAL DESCRIPTION	Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.36 acres
LOCATION	2525 West Chicago Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

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

GENERAL COMMENTS: The subject property is located at 2525 West Chicago Street. The property was originally platted in 1989 as Lots 1, 2, and 3 of Stonehanks Subdivision. A note on the plat identifies a 25 foot front and rear setback and an eight foot side yard setback except for the common wall lot lines. The note also identifies side yard setbacks of eight feet. On November 2, 1992, the Council approved a resolution vacating a utility and drainage easement for the south 100 feet of the north 125 feet of the eight foot wide easement along the east side of the subject property. On November 3, 1992, the Zoning Board of Adjustment approved a variance to the front yard setback adjacent to the unimproved Sheridan Lake Road right-of-way from 25 feet to 15 feet. The existing building had encroached into the easement on the east side of the property and into the front yard setback on the west side of the property. The applicant is requesting the removal of the notes from the plat as the building meets all the setback requirements as indicated with the approved vacations and variance for the subject property.

Currently a commercial structure is located on the property. The property is zoned General Commercial District and requires a minimum 25 foot front yard setback and no side yard

STAFF REPORT
November 9, 2006

No. 06VE028 - Vacation of Note on a Plat

ITEM 27

setback is required as it does not abut a residential district. The rear yard setback is only required if the building is to be serviced from the rear or if they are adjacent to residential districts.

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 indicated, the City Council approved a resolution to vacate a utility and drainage easement for the south 100 feet of the north 125 feet of the eight foot wide easement along the east side of the subject property and the Zoning Board of Adjustment approved a variance to the front yard setback adjacent to the unimproved Sheridan Lake Road right-of-way from 25 feet to 15 feet. The Zoning Regulations set forth in the Rapid City Municipal Code require a 25 foot front yard setback for the General Commercial Zoning District. With the approved variance, the existing development meets those requirements. Staff feels the existing Zoning Regulations will provide sufficient protections for the property.

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.