

STAFF REPORT
March 27, 2008

No. 08VE004 - Vacation of a Note on a Plat

ITEM 70

GENERAL INFORMATION:

APPLICANT	Jamie Gerlach for All Around Construction, Inc.
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	All Around Construction
REQUEST	No. 08VE004 - Vacation of a Note on a Plat
EXISTING LEGAL DESCRIPTION	Lot 12 of Block 5 of Rapid Valley Subdivision, located in the NE1/4 NE1/4, Section 8, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 Acres
LOCATION	At the southeast corner of the intersection of Sedivy Lane and East Saint Francis Street
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Agriculture District
PUBLIC UTILITIES	No public water service, Rapid Valley Sanitary District sewer service
DATE OF APPLICATION	2/29/2008
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of the Note on the Plat for the setback to East Saint Francis Street be denied and that the note for the setback on Sedivy Lane be approved with the following stipulation:

1. Prior to City Council approval, a revised exhibit showing only the vacation of the note for the setback to Sedivy Lane shall be submitted for review and approval.

GENERAL COMMENTS:

The applicant has submitted a request to vacate a front yard building setback note on a plat. The property is located southeast of the intersection of Sedivy Lane and East Saint Francis Street. The property is not located within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. The property is platted as Lot 12 of Rapid Valley Subdivision. Currently, there

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is no structural development located on the property.

STAFF REVIEW:

The original plat document known as Lot 12 of Block 5 of Rapid Valley Subdivision identifies a front yard building setback of 30 feet. Because the property is a corner lot, the original plat document identified a front yard setback along both East St. Francis Street and Sedivy Lane. The applicant is requesting to vacate the requirement for a 30 foot front yard building set back along both streets, and has submitted a vacation document Exhibit A", prepared by a Registered, Professional Engineer, which identifies the lot and the proposed note vacation.

The property is currently zoned Suburban Residential District by Pennington County. The property is a corner lot, which requires a minimum 25 foot front yard setback on both sides that abut the public street right-of-way in accordance with the Pennington County Zoning Requirements.

EAST SAINT FRANCIS STREET:

The property abuts East Saint Francis Street on the northern boundary. Currently, East Saint Francis Street has a right-of-way width of 40 feet. The Street Design Criteria Manual classifies East Saint Francis Street as a subcollector street requiring 52 feet of right-of-way. As such, an additional twelve feet of right-of-way is required at this location. Six feet of that right-of-way would normally be provided by this property when required in the future. A 25 foot front yard setback is required from any street right-of-way. When that setback is considered in conjunction with the additional six feet of right-of-way required, the 30 foot setback note that appears on the plat appears appropriate as it will preclude construction into the front yard setback that will exist when additional right-of-way is acquired.

SEDIVY LANE:

Sedivy Lane abuts on the western boundary of the property. Thirty three feet of right-of-way is currently provided. Sedivy Lane is classified as a lane/place street requiring a minimum right-of-way of 45 feet. An additional 12 feet of right-of-way is required. While normally half of the additional right-of-way would be provided by the property on the east side of the street, staff's review of the plats revealed that the existing 33 feet was all provided out of the Rapid Valley Subdivision. This would require that additional right-of-way be provided from the adjacent property to ensure alignment at St. Patrick Street with the northern leg of the intersection. For this reason, staff supports the vacation setback along Sedivy Lane.

Based on the need for additional right-of-way in the future and the need to maintain adequate setbacks, staff recommends denial of the vacation of the setbacks note as applied to East Saint Frances Street and approval of the vacation of the setback note as applied to Sedivy Lane with the following stipulation: Prior to City Council approval, a revised exhibit noting the vacation of only the note applying to Sedivy Lane shall be submitted for review and approval.