

STAFF REPORT

November 20, 2003

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**No. 03PL045 - Preliminary and Final Plat**

**ITEM 2**

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GENERAL INFORMATION:

|                               |                                                                                                                                       |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| PETITIONER                    | Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz                                                                                 |
| REQUEST                       | <b>No. 03PL045 - Preliminary and Final Plat</b>                                                                                       |
| EXISTING<br>LEGAL DESCRIPTION | Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota                 |
| PROPOSED<br>LEGAL DESCRIPTION | Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE                | Approximately .510 acres                                                                                                              |
| LOCATION                      | 1903 North Maple Avenue                                                                                                               |
| EXISTING ZONING               | General Commercial District                                                                                                           |
| SURROUNDING ZONING            |                                                                                                                                       |
| North:                        | Shopping Center II                                                                                                                    |
| South:                        | Medium Density Residential District                                                                                                   |
| East:                         | General Commercial District                                                                                                           |
| West:                         | General Commercial District                                                                                                           |
| PUBLIC UTILITIES              | City Sewer and Water                                                                                                                  |
| DATE OF APPLICATION           | 04/11/2003                                                                                                                            |
| REPORT BY                     | Tom Kurtenbach/Vicki L. Fisher                                                                                                        |

RECOMMENDATION: Staff recommends that the Preliminary and Final Plat be continued to the **December 18, 2003 Planning Commission meeting.**

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.) This item has been continued several times since the May 22, 2003 Planning Commission meeting to allow the applicant to submit additional information. This Staff Report has been revised as of November 7, 2003. All revised and/or added text is shown in bold print.**

The applicant is proposing to split an approximate 0.5 acre parcel into two lots. The subject property is located north of Knollwood Drive and west of Maple Avenue. A convenience store with fuel sales currently occupies the subject property. The applicant is proposing to split the lot to allow on sale liquor sales in close proximity to fuel sales. Currently, the Rapid

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City Municipal Code does not allow on sale liquor sales within 100 feet of fuel sales on the same lot.

STAFF REVIEW: Staff has reviewed the Preliminary Plat and has noted the following considerations:

Drainage: Based on information submitted by the applicant, the Engineering staff has recommended that a Major Drainage easement be identified on the north end of proposed Lot A. The Engineering Division has indicated that storm flows from land to the west of the subject property are carried through the site at the north end of the subject property adjacent to I-90 right-of-way. As such, a 40 foot wide drainage easement is necessary along the north lot line to insure adequate area is provided to carry these flows. Staff is recommending that the Preliminary and Final Plat be continued to allow the applicant to revise the plat document showing the drainage easement as identified.

Sewer and Water Services: Information submitted by the applicant does not identify water and sewer service lines to proposed Lots A and B. This information is necessary to verify whether each lot will have dedicated service lines, or whether a common service line is planned for the development. The applicant has requested a Special Exception to allow one main to service both lots. City Ordinance 13.04.350 states that water service may not be extended from one premise to another. City Ordinance 13.08.130 calls for separate and independent sewer to be provided to each lot. The recently submitted information identifying the location of existing water and sewer services to the existing building located across the length of proposed Lot B, shows the service being extended from that portion of the building located on proposed Lot A. In particular, the service to that portion of the building located on Lot B is being provided by an extension of the service within the building from Lot A. This configuration of the utility services will result in violation(s) of the ordinances. As such, staff is recommending that the Preliminary and Final Plat be continued to allow the applicant to submit revised construction plans as identified or an exception to the ordinance requirement from the City Council must be granted. On August 8, 2003, the applicant submitted a Special Exception request to City Ordinance 13.04.035 and 13.08.130 as outlined above. This item will be heard by the Public Works Committee on August 26, 2003 and, subsequently, the City Council on September 2, 2003. **On September 2, 2003, the City Council denied the Special Exception request as outlined above. The applicant submitted a second Special Exception request to waive the same requirement to provide separate utility service(s) to the two lots. The Public Works Committee denied the request again at the October 28, 2003 meeting. As such, the applicant must submit construction plans providing separate service mains to each of the two lots. As such, staff is recommending that the Preliminary and Final Plat be continued to the December 18, 2003 Planning Commission meeting to allow the applicant to provide construction plans as identified. As this request has been pending for seven months, staff will be recommending that the request be denied without prejudice if the information is not submitted by December 1, 2003.**

Access: Currently access to the subject property is provided from Knollwood Drive and

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Maple Avenue. The access point along Knollwood Drive is currently less than 50 feet from Maple Avenue. The applicant has requested a Special Exception to the Street Design Criteria Manual allowing the Knollwood access point to remain as it is currently constructed. Currently, a second access point to the subject property exists along Maple Avenue. Engineering staff has recommended that a joint access location be identified to provide future access from Maple Avenue to proposed Lots A and B. Staff recommends that the proposed plat be continued to allow the applicant to submit the required access information.

Subdivision Name: The Pennington County Register of Deeds staff recommended that the applicant submit a new subdivision name for review and approval. Staff recommends that prior to Final Plat approval by the City Council, a new subdivision name shall be submitted for review and approval.

Knollwood Drive and Maple Avenue Rights of Way: The plat submitted by the applicant does not identify the Knollwood Drive and Maple Avenue right of way widths. Staff recommends that prior to Final Plat approval by the City Council, the plat shall be revised to identify the right of way widths for these streets.

Staff recommends that the Preliminary and Final Plat be continued to the **December 18, 2003 Planning Commission meeting**.