

# STAFF REPORT

July 3, 2002

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**No. 02PL032 - Preliminary Plat**

**ITEM 5**

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GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc.
REQUEST	<b>No. 02PL032 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.57 acres
LOCATION	East of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District/General Agricultural District
South:	Heavy Industrial District
East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	03/27/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

**Staff recommends that the Preliminary Plat request be continued to the July 25, 2002 Planning Commission meeting to allow the applicant time to have further discussions with the adjacent landowner.**

GENERAL COMMENTS: **This item was continued from the June 20, 2002 Planning Commission meeting. (Updates to the staff report are shown in bold.)** This Preliminary Plat request has been submitted to combine three properties into one lot. The applicant has

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submitted an associated Subdivision Regulations Variance request (File #02SV017) to waive the required improvements along the East Philadelphia Street frontage. The property is located on the south side of East North Street west of the Menard's development.

STAFF REVIEW: Staff has reviewed the request and has noted the following considerations:

Master plan: The property is currently zoned General Commercial and is the location of the Horseshoe Bar. The applicant has not indicated how he intends to develop the property; therefore, staff is requesting that the applicant submit a master plan for the property. The master plan will enable staff to evaluate the drainage issues and identify the developable areas on the property and the impacts of a 75 foot power line easement that crosses the property. On January 15, 2001 the City Council approved a Layout Plat (file #00PL126) for the subject property that included the dedication of an east-west 60 foot right of way. The proposed right of way defined the location of the extension of Century Road from U.S Highway 16 to the future location of Creek Drive. This right of way splits the subject property into two areas, a north and a south area. The north area has legal and physical access from U.S. Highway 16. Legal access to the south area exists via the East Philadelphia right of way. However, East Philadelphia Street is only paved for 600 feet east of the intersection of Cambell Street and East Philadelphia Street. The remainder of the dedicated East Philadelphia Street right of way east of Cambell Street and west of the subject property is gravel or not improved at all. The platting of the subject property into two lots, a lot north of the Century Road right of way and a lot south of the Century Road right of way will result in a lot (the south lot) with no physical access.

The approved Layout Plat showed that half of the right of way for the first 138 feet of the Century Drive extension would be dedicated from the subject property. However, a topographic map submitted by the applicant shows that the extension of Century Road from its current terminus on the north side of U.S. Highway 16 would actually cross the adjacent property to the southwest before crossing the subject property. The applicant has indicated that the adjacent property owner is unwilling to dedicate the necessary right of way to connect the east-west proposed road to U.S. Highway 16 across from the existing Century Road intersection. The applicant has indicated that he will be requesting that the City Council begin condemnation proceedings for that portion of the adjacent property required for the extension of the Century Drive right of way. On May 17, 2002 the applicant submitted a letter requesting that the City Council begin condemnation proceedings for that portion of the adjacent property required for the extension of Century Drive. On May 29, 2002 the Legal and Finance Committee requested that the applicant specifically discuss with the adjacent property owner the option of building the extension of Century Drive across the adjacent property at the applicant's expense. In addition, the Legal and Finance Committee noted that if the City agreed to condemn the property that the applicant would be required to agree to pay the costs associated with the acquisition of the land and the construction of the road. As of this writing, the property owner has not indicated that he has further discussions with the adjacent property owner or provided an agreement indicating that he would pay the costs of the property and road construction. **The applicant has indicated that he will pursue further discussions with the adjacent landowner regarding the acquisition of right of way and the construction of the extension of Century Drive.**

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Access: The property has access via East North Street on the north side of the property and East Philadelphia Street on the south. Currently, the subject property can be accessed from East North Street via two approaches. South Dakota Department of Transportation staff has noted concerns regarding the two existing approaches and has noted that non-access easements must be included on the plat.

Subdivision Improvements: Currently, East Philadelphia Street is paved from the intersection of Cambell Street and East Philadelphia Street east for approximately 600 feet. The remainder of the dedicated East Philadelphia Street right of way east of Cambell Street and west of the subject property is gravel or not improved at all. The construction of roadway improvements within the East Philadelphia Street right of way along the frontage of the subject property would result in a section of roadway from Cambell Street to the east side of the subject property with discontinuous pavement. In addition, the proposed plat combines three existing lots into one lot. Staff is recommending approval of the variance to the Subdivision Regulations with the provision that the applicant sign a waiver of right to protest future assessments for the required improvements.

Creek Drive Right of Way: The Major Street Plan shows the extension of Creek Drive north along the subject property's east lot line. The Engineering Division is requesting that the applicant either dedicate 50 feet of right of way for the extension of Creek Drive along the east property line or provide a master plan of the area showing a revised alignment of Creek Drive from its existing terminus to its proposed intersection with Eglin Street. A proposal to revise the alignment of Creek Drive will require evidence to show that the new alignment better serves the surrounding properties along with a request to the Planning Commission and City Council to revise the Major Street Plan. The dedication of right of way along the east property line will trigger the requirement that the applicant comply with all provisions of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving the required improvements. On May 18, 1998, the City Council approved a Layout Plat that included a master plan showing the extension of Creek Drive through the property located east of the subject property.