

STAFF REPORT  
November 20, 2008

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**No. 08SV028 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 44**

GENERAL INFORMATION:

APPLICANT	Speedway Enterprises, LLC
AGENT	Kadrmass, Lee and Jackson
PROPERTY OWNER	Linette Darrow
REQUEST	<b>No. 08SV028 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.5 acres
LOCATION	At the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	General Commercial District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	4/25/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be **denied without prejudice**.

GENERAL COMMENTS:

**(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. As of this writing, the required information has not been submitted for review and approval. In addition, the ownership of the property has recently changed. As such, staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice.**

(Update, October 30, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. In addition, the ownership of the property has recently changed. As such, staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 9, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 6, 2008 Planning Commission meeting.

(Update, September 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 23, 2008 Planning Commission meeting.

(Update, September 15, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 4, 2008 Planning Commission meeting to allow the applicant to submit additional information.

On September 2, 2008, the applicant submitted a revised Traffic Impact Study. Subsequently, on September 4, 2008, the applicant submitted a revised Drainage Plan.

Staff has reviewed the revised Drainage Plan and noted that the report demonstrates that an adequate area exists on the proposed two lots to address the stormwater runoff from the upstream areas of the Racetrack Draw Basin as well as the on-site detention area that will be needed for the proposed platting to proceed. However, this drainage report is not the

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final design for any of the drainage facilities, including conveyance and detention, which is required upon submittal of a Preliminary Plat application. In particular, complete engineered drainage plans and construction plans must be submitted for review and approval. In addition, upon submittal of a Final Plat application, the drainage improvements must be fully constructed due to the property's location in the bottom of the original Racetrack Draw Basin channel.

Staff has also reviewed the revised Traffic Impact Study and has noted that the following issues must be addressed:

- Details identifying how the trip generation was determined for the 2008 site traffic must be submitted. It appears that there are only 77 trips entering the site and 77 trips exiting the site during the PM Peak Hour. Based on the ITE Trip Generation Manual this would equate to a 1,100 square foot drive-in bank and a 1,100 square foot convenience store with a gas station. These square footages seem to be fairly small. It appears that the anticipated pass-by traffic may have been removed from the trip generation numbers. As such, the Traffic Impact Study must be revised to include the pass-by traffic.
- What will be operating on the remainder of the parcel in 2008 and where will the access in 2008 be for the remainder of the parcel? This is one 35 acre parcel. As such, details must be provided for 2008 on the remainder of the parcel.
- Details identifying how the trip generation was determined for the 2030 build-out of the site must be submitted for review and approval, In particular, land use assumptions including number of units and square footage must be identified.
- Full build out of the site shows the need for a signal at the southern access to Jolly Lane or the westbound vehicles leaving the site will experience significant delay (LOS F). A signal and/or a LOS F for the westbound vehicles are not acceptable. The site should be master planned to have adequate access for the entire development both in the short term and long term.
- An Exception must be obtained to allow a right in/right out access from S.D. Highway 44, the higher order street. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation.
- Sight distance at the propose approach(s) on Jolly Lane must be verified.

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve S.D. Highway 44 and Jolly Lane be continued to the October 9, 2008 Planning Commission meeting to allow the applicant to address the Traffic Impact Study issues as identified.

(Update, August 22, 2008. All revised and/or added text is shown in bold print.) This item

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was continued at the August 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 25, 2008 Planning Commission meeting.

(Update, August 8, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 4, 2008 Planning Commission meeting.

(Update, July 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 21, 2008 Planning Commission meeting.

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 10, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 7, 2008 Planning Commission meeting.

(Update, June 27, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 24, 2008 Planning Commission meeting.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 10, 2008 Planning Commission meeting.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the June 26, 2008 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 and Jolly Lane. In addition, the applicant has submitted a

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Layout Plat (File #08PL061) to subdivide the property creating two commercial lots and leaving a 27.67 acre non-transferable unplatted balance.

On April 3, 2000, the City Council denied without prejudice Layout Plat #00PL019 to subdivide the subject property into four lots. In particular, the City Council noted that access must be taken from Jolly Lane in lieu of S. D. Highway 44 and that drainage issues must be addressed.

On March 6, 2001, the applicant submitted Layout Plat #01PL018 to again subdivide the property into four lots. The Layout Plat continued to show access from S. D. Highway 44. On May 7, 2001, the City Council denied without prejudice the Layout Plat to allow the applicant to address drainage issues, approach location issues and subdivision lot layout issues.

On June 22, 2006, Layout Plat #06PL059 to subdivide the property into two lots, leaving a non-transferable unplatted balance, was denied without prejudice. Again it was noted that drainage issues and traffic and approach location issues must be addressed prior to City Council approval of a plat to subdivide the property as proposed.

Currently, the Black Hills Speedway is located on the proposed unplatted balance and the two proposed lots located adjacent to S.D. Highway 44 are void of any structural development.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Street Improvements: During the review of the associated Layout Plat, staff noted that the Traffic Impact Study must be revised to address the following issues prior to approval of the report:

- The Traffic Impact Study states that at full build out, a northbound right turn lane and a signal may be required at the access onto Jolly Lane. This scenario has not been analyzed to determine the feasibility of the access point;
- The Traffic Impact Study identifies an approach along Jolly Lane to proposed Lot 1. However, the access point does not provide adequate separation from S.D. Highway 44 to allow vehicles to safely queue, accelerate or decelerate without interference with through traffic. In addition, the Layout Plat must be revised to show the approach along Jolly Lane if it is the intent of the applicant to have an access along this street;
- A trip generation rate for specialty retail was used for the two commercial lots. However, convenience stores, banks, restaurants, etc. will have trip generation rates five to ten times the trip generation rate of a specialty retail. Unless the use of the property is restricted, the trip generation rate must be adjusted to allow general commercial uses;
- A trip generation rate for medium density use(s) was also used for the northern portion

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of the property. However, the Future Land Use Plan identifies the appropriate use of the entire property as general commercial. As such, the trip generation rate must be adjusted accordingly;

- The Traffic Impact Study does not identify an internal street connection being provided through the development. However, an internal street connection between the proposed residential and commercial areas should be provided and analyzed in order to provide access between the proposed use(s). In addition, a Master Plan must be provided showing the internal street connection;
- It does not appear that adequate signal timing has been allocated for the pedestrian crossing at S.D. Highway 44. As such, the signal timing must be verified with the South Dakota Department of Transportation;
- An Exception must be obtained to allow a right in/right out access from S.D. Highway 44, the higher order street. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. As a part of the request, physical improvements (not including signs and pavement markings) must be shown to restrict the left in and left out turning movements. In addition, a Variance must be obtained from the South Dakota Department of Transportation to reduce the separation between the proposed shared approach and the intersection of S.D. Highway 44 and Jolly Lane;
- The historic growth rate for this area must be verified with the South Dakota Department of Transportation; and,
- The turning movement counts provided by the South Dakota Department of Transportation appear to be wrong. The peak direction in the PM is eastbound not westbound. This should be verified with the South Dakota Department of Transportation staff.

The proposed approach along Jolly Lane must also be analyzed to insure that the grade, sight distance, alignment with School Drive and separation between the approach and the S.D. Highway intersection meet minimum design standards in order to ensure that safety standards are being met.

Until these issues are resolved, staff can not determine if the Variance to the Subdivision Regulations to waive the requirement to improve Jolly Lane and S.D. Highway 44 can be supported. As such, staff is recommending that this item be continued to allow the applicant to address the issues as identified and to submit a revised Traffic Impact Study.

Utilities: The property is located within the Rapid Valley Sanitary District service area. Currently, a 12 inch sewer line and a six inch water line extend north to south through the property. Until a utility plan is submitted documenting that sufficient capacity exists to serve the property and a master utility plan is submitted showing that water and sewer are not needed within the adjacent street rights-of-way to serve adjacent properties, staff can not determine if the Variance to the Subdivision Regulations to waive the requirement to install water and sewer can be supported. As such, staff is recommending that this item be continued to allow the applicant to submit the information for review and approval as identified.

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Curb and Gutter: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb and gutter along S.D. Highway 44 and Jolly Lane. However, drainage information has not been submitted for review and approval demonstrating that the design of the street(s) will accommodate drainage flows as needed. As such, staff is recommending that this item be continued to allow the applicant to submit the additional drainage information as identified.

Sidewalk: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to provide sidewalks along Jolly Lane and S.D. Highway 44. Currently, a dirt path exists along the frontage of the property and is being used by pedestrians to access the commercial businesses located directly west of this site. To date, the applicant has not demonstrated any alternate sidewalk through the property to provide a pedestrian access from the adjacent residential development to the existing and proposed commercial use(s) on the property and within the area. As such, staff is recommending that this item be continued to allow the applicant to submit the additional information as identified.

Legal Notification Requirement: The receipts from the certified mailings have been returned to the Growth Management Department. Staff has not received any calls or inquires regarding this proposal. **Please note that City staff is mailing new legal notification letters to the surrounding property owners as required notifying them of the change in hearing date due to the cancelled Planning Commission meeting.**

Staff is recommending that the Variance to the Subdivision Regulations be **denied without prejudice.**