

STAFF REPORT
August 27, 2009

No. 09SV018 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on Menard Drive, to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on shared access easement to Lots B1 and B2, and to waive the requirement to construct sidewalk and sewer on E North Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Menard, Inc.
AGENT	FMG, Inc.
PROPERTY OWNER	Menard, Inc.
REQUEST	No. 09SV018 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on Menard Drive, to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on shared access easement to Lots B1 and B2, and to waive the requirement to construct sidewalk and sewer on E North Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots B1 and B2 of Menard Subdivision, located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.66 acres
LOCATION	1830 Eglin Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Developmentg)

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East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Commercial Developmentg)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct sewer along East North Street be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to construct water and sewer in Menard Drive be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, street light conduit in Menard Drive be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on East North Street be approved with the following stipulation:

1. A sidewalk shall be provided along the southeast side of the street; and

That the Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, street light conduit on the shared access easement to Lots B1 and B2, be withdrawn at the applicant's request.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the following requirements to construct: 1) sidewalk and sewer along East North Street; 2) pavement, curb, gutter, sidewalk, water, sewer, and street light conduit along Menard Drive; and 3) pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on shared access easement to Lots B1 and B2. The applicant submitted a revised Layout and Preliminary Plat document adjusting the shared access easement dimension to 40 feet by 40 feet and therefore the subdivision variance requested for Lots B1 and B2 is no

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longer necessary. The applicant has also submitted a Layout and Preliminary Plat (File #09PL017) to subdivide Lot B into two lots. In addition, the applicant has submitted an Initial and Final Planned Commercial Development (File #09PD036) to allow a high-turnover sit down restaurant.

On March 17, 1997, the City Council approved a Planned Development (File #1573) for a four-phase development. Phase 1 included Menard's Home Improvement Center; Phase 2 included First Western Bank located on the corner of East Anamosa and Eglin Street and the subject property; Phase 3 included approximately 27 acres of future retail area; and Phase 4 is the current site for Menard's outdoor storage facility.

On June 2, 1997, the City Council approved a Final Planned Commercial Development (File #1588) for construction of Menards Home Improvement Center. The signal at East North Street and East Anamosa Street was installed with financial cooperation between Menard, Inc., the City of Rapid City and the South Dakota Department of Transportation. Additionally, the four access locations into the Phase 1 development (Menards) were also constructed as approved.

On June 16, 1997, the City Council approved a Layout, Preliminary and Final Plat (File #2427) creating Lots 1 through 6 and Lot H1 all of Tract A of Menard Subdivision and dedicated right-of-way for Menard Drive.

On August 7, 2000, the City Council approved a Layout, Preliminary and Final Plat (File #00PL057) splitting Lot 4 of Menard Subdivision into Lots A, B and C.

On April 16, 2001, the City Council approved a Final Planned Commercial Development (File #01PD011) for construction of the First Western Bank, aligning the access location with the western most approved access onto the Menard's site.

The current application further subdivides Lot B of Menard Subdivision. The property is located northeast of the intersection of East North Street and East Anamosa Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

East North Street: East North Street is located along the west lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a 100 foot wide right-of-way and constructed with a minimum 36 foot wide

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paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. East North Street is currently located within a 290 foot wide right-of-way and constructed with an approximate 40 foot wide paved surface, curb, gutter, street light conduit and water. To date, sewer and sidewalk have not been constructed along this portion of East North Street.

Currently, sewer has been constructed along a portion of the south lot line to serve properties both north and south of Eglin Street. There is also an elevation break within East North Street as it abuts the property requiring that everything south of the break sewer to the south and everything north of the break sewer to the north. It does not appear that a sewer main needs to be constructed in this portion of East North Street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of East North Street. However, this is a commercial area and it is anticipated that as this area continues to develop with commercial use(s), additional pedestrian traffic will be generated between the use(s). Hotels and restaurants are proposed for the area resulting in a further increase in pedestrian activity in the area. In order to provide a safe place for pedestrians to walk, staff is recommending that a sidewalk be provided along the east side of the street. It has also been the position of the City Council that a sidewalk be provided as a part of the site development to ensure pedestrian safety within our community. It must be noted that as part of the platting process, construction plans must be submitted for the sidewalk; however, the sidewalk is not required to be constructed until such time as a building permit is issued for construction on the property.

Pedestrian Access: The applicant's site plan identifies a 4 foot wide pedestrian sidewalk located along the east property line in the public right-of-way as required. However, there is no pedestrian connection from the sidewalk to the site. As such, prior to Planning Commission approval, a revised site plan must be submitted demonstrating that there is adequate pedestrian access from the site onto the public right-of-way, thus eliminating the pedestrian/vehicular conflict at the driveway.

Menard Drive: The 80 foot Menard Drive right-of-way is located adjacent to the eastern boundary of the subject property and is classified as a collector on the Major Street Plan. In 1997 when the Menard Drive right-of-way was dedicated, the associated traffic study indicated that "a second access point on Highway 16 (East North Street) will be needed to adequately accommodate the long term traffic projections." The study indicated that the second access to East North Street will relieve the projected level of service failure at East

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Anamosa Street and Eglin Street. Based on the current proposal, the Pizza Ranch is anticipated to generate approximately 84 peak hour trips or 720 average trips per day. In order to maintain an adequate level of service at the intersections of Eglin Street and East Anamosa Street and East Anamosa Street and East North Street, the construction of Menard Drive is necessary as previously identified. The construction of Menard Drive connecting Eglin Street to East North Street and the newly construct Century Road will ensure the required road connectivity between the commercial development both east (Menard Development) and west (Anamosa Crossing) of East North Street. For this reason, staff does not recommend approval of the variance to waive the requirement for the construction of the roadway, curb, gutter and street light conduit.

Currently, water is provided on both the east and west sides of the proposed Lots B1 and B2, with sewer along the east side of both lots. As such, staff recommends that the variance to waive the requirement for the construction of the water and sewer along Menard Drive be approved.

Shared Access Easement: The applicant originally submitted a request to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on the shared access easement to Lots B1 and B2. However, the applicant submitted a revised plat showing a 40 foot by 40 foot shared access easement versus the original 40 foot by 60 foot shared access easement, thus eliminating the street improvements. Staff recommends that the Planning Commission acknowledge the applicant's request to withdraw the variance to waive the requirements to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on the shared access easement to Lots B1 and B2.

Legal Notification Requirement: The receipts from the certified mailings have been returned as required. Staff has not received any calls or inquires regarding this proposal.