



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

300 Sixth Street

Travis Tegethoff, Planner II
Growth Management Department
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: travis.tegethoff@rcgov.org

MEMORANDUM

TO: Rapid City Public Works Committee

FROM: Travis Tegethoff, Planner II

DATE: February 23, 2006

RE: Items 4 and 5 of the February 28, 2006 Public Works Agenda

Staff received these requests the morning of February 23, 2006 and will provide a recommendation at the February 28, 2006 Public Works Committee meeting.



EQUAL OPPORTUNITY EMPLOYER

**COSTELLO, PORTER, HILL, HEISTERKAMP,
BUSHNELL & CARPENTER, LLP**

ATTORNEYS AT LAW

DENNIS H HILL
KENNETH L HEISTERKAMP
GENE R BUSHNELL
EDWARD C CARPENTER
THOMAS H BARNES
DONALD A PORTER
PATRICIA A MEYERS
JOSEPH R LUX
HEATHER LAMMERS BOGARD

200 SECURITY BUILDING ■ 704 ST. JOSEPH STREET
MAILING ADDRESS P. O. BOX 290
RAPID CITY, SD 57709

605-343-2410
TELECOPIER NO. 605-343-4262
E-MAIL. lawfirm@costelloporter.com

MELVIN D WEDMORE
JESS M PEKARSKI
PHILLIP R STILES
BECKY A VOGT

RETIRED
JM COSTELLO

WILLIAM G PORTER
1926-2004

February 23, 2006

Hand Delivery

Growth Management
City of Rapid City
Rapid City, SD 57701

Attention: Travis Tegethoff

Dear Mr. Tegethoff:

Thank you for taking the time to work with me concerning the real property located at the corner of Mt. Rushmore Road and St. Patrick Street currently occupied by the Casa Del Rey, located at 1902 Mt. Rushmore Road. Earlier this week, on Tuesday, you met with the current owner of the Casa Del Rey property, David Henry, as well as Tam Allan, a developer for the Walgreen's Company. As they explained to you, Walgreen's would like to build a new store on the Casa Del Rey property.

Walgreen's, through this office, is submitting this request concerning the real property located at 1902 Mt. Rushmore Road, and legally described as Lots 1-10, inclusive, Block 1, and all of the vacated alley adjacent thereto, less Lot H1, St. Elmo #2, Pennington County, SD and Lots 14-19, inclusive, Block 5, South Boulevard Addition, and all of the vacated alley adjacent thereto, Pennington County, SD, to seek approval of an exception to the Street Design Criteria Manual to allow a minimum distance of 133 feet between a signalized arterial intersection and a driveway in lieu of a minimum distance of 230 feet between a signalized arterial intersection and a driveway.

In addition, Walgreen's, through this office, is submitting this request concerning the real property located at 1902 Mt. Rushmore Road, and legally described as Lots 1-10, inclusive, Block 1, and all of the vacated alley adjacent thereto, less Lot H1, St. Elmo #2, Pennington County, SD and Lots 14-19, inclusive, Block 5, South Boulevard Addition, and all of the vacated alley adjacent thereto, Pennington County, SD, to seek approval of any exception to the Street Design Criteria Manual to allow a maximum 35 foot driveway opening in lieu of a maximum 28 foot wide driveway opening.

Growth Management
February 23, 2006
Page 2

In meeting with you, they provided to you a plan for the Casa Del Rey property depicting the proposed location of a new Walgreen's, with accompanying parking and access points identified on the plan. In their discussions with you, your office identified a couple of concerns concerning access to the property. As the developer is from out of town, he contacted this office to assist Walgreen's in working with the City of Rapid City to facilitate redevelopment of the property and meet everyone's concerns and goals.

I have attached 10 copies of the layout drawing proposed for the Casa Del Rey property. This is the same drawing as was provided to you earlier this week. I have also included 10 copies of a layout drawing showing the current locations of the access points onto the property, superimposed on the new proposed locations. Two issues have been identified by Growth Management. They are, the location of the access drives onto the Casa Del Rey property, as well as the width of those access points.

The Rapid City Street Design Criteria Manual has a guideline which states that at a lighted, controlled, intersection such as St. Patrick Street and Mt. Rushmore Road, an access onto property should be no closer than 230 feet from the intersection. However, the Casa Del Rey property simply is not 230 feet in width. Therefore, that requirement cannot be met and the Casa Del Rey property would have no access in the event of new construction as is contemplated. Obviously, the existing structure will have to be torn down to accommodate a new Walgreen's at the Mt. Rushmore location.

As can be seen from the two exhibits enclosed, the proposed new access to the Casa Del Rey property off of St. Francis St. is moved as far to the east of the property as can possibly be. This is considerably further east from where the current entrance to the property is. By doing so, such an access point facilitates the City's desire to move traffic as far away from controlled intersections as is reasonably and commercially possible. Currently, the loading docks for the Casa Del Rey are located on the St. Patrick Street side. Thus, when large semi-tractor trailers pull into the property, there is considerable difficulty and obstruction of St. Patrick Street. The proposed new entrance will significantly reduce that current problem.

Additionally, an entrance to the property is proposed at the south end of the property off of St. Francis Street. As with the St. Patrick Street entrances, it is proposed to move the St. Francis Street entrance as far to the east of the property as is possible. Again, doing so takes traffic away from the intersection of St. Francis Street and Mt. Rushmore Road. Further, between the two new proposed entrances to the property, delivery vehicles should no longer be obstructing St. Patrick Street or St. Francis Street for other than a momentary time to allow a drive across the streets. No longer should it be necessary to maneuver semis in St. Patrick Street.

Of significant benefit to the City is the fact that the proposed new layout for the Casa Del Rey property will eliminate the entrance to Casa Del Rey which is currently located on

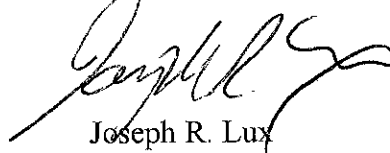
Growth Management
February 23, 2006
Page 3

Mt Rushmore Road itself. Currently, that is the main access to the Casa Del Rey property by its patrons. By approving a variance allowing the north and south accesses to the property, the City gains by the closure of that Mt. Rushmore Road access point.

Currently the criteria for street design asks that an access drive be no wider than 28 feet. It is proposed to make these 35 feet. This would appear to be a benefit for traffic on St. Patrick and St. Francis Street. There is an access lane at either end, as well as a right turn and left turn lane upon leaving the property. This will more easily facilitate the flow of traffic out of the parking lots compared to the flow of traffic as it exists today.

I will be pleased to meet with you or anyone else from the City to discuss these matters further. Walgreen's would like to proceed with all due haste, but cannot do so until these variance requests can be reviewed by the City, and, hopefully, can be granted. The City stands to gain greatly by improving traffic flow at that intersection compared to the traffic flow today. Plus, it stands to gain a major commercial development which will add significantly to the tax rolls, as well as to provide many employment opportunities in the community. Thank you for your assistance in these matters.

Sincerely,

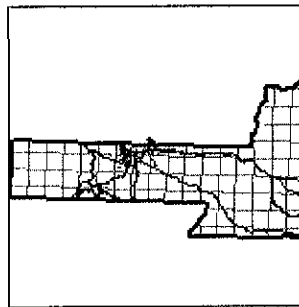
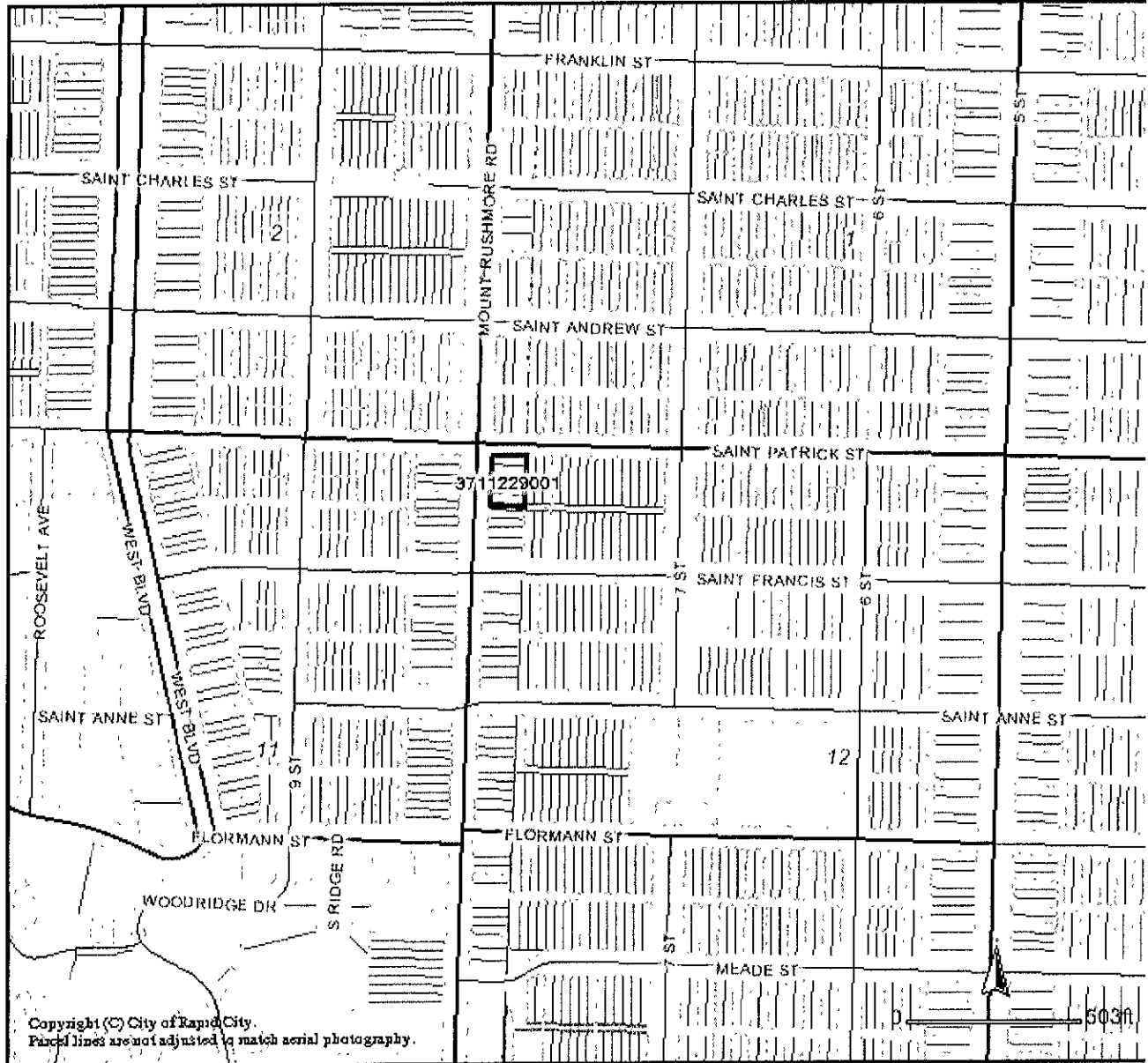
A handwritten signature in black ink, appearing to read "Joseph R. Lux", written in a cursive style.

Joseph R. Lux

JRL/cjs
Enclosures
cc w encs: Marcia Elkins (Hand delivered)

1902 MOUNT RUSHMORE ROAD

Print Close



DISCLAIMER
 DISCLAIMER This GIS data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. Rapid City and Pennington County make no warranties, express or implied, as to the use of the data. The implied warranties of merchantability or fitness for a particular purpose are specifically disclaimed. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction and update. This document does not represent a legal survey of the land. There are no restrictions on distribution of printed Rapid City/Pennington County maps, other than the City of Rapid City copyright/credit notice be legible on the print. The User agrees to recognize and honor in perpetuity the copyrights, and other proprietary claims for the GIS Product File(s) established or produced by the City of Rapid City or the vendors furnishing said items to the City of Rapid City.

