

CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701


Public Works Department
Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: www.rcgov.org

TO: Public Works Committee

 FROM: Ted T. Johnson, P.E.
 Engineering Project Manager
 Public Works Department

DATE: February 6, 2012

RE: Request for Exception to waive the requirement to install sidewalk along the north side of Philadelphia Street per City Ordinance 12.16.080 SW ¼ NE ¼ less ROW, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, SD

A request was received on January 23, 2012 requesting the requirement to install sidewalk per City of Rapid City Ordinance 12.16.080 be waived for the proposed Founders Park North Apartment Development to be located on the north side of Philadelphia Street near the intersection of Founders Park Drive and Philadelphia Street. The proposed development includes the construction of approximately 128 apartment units, parking garages, paved parking, internal sidewalks, landscaping, water and sanitary sewer mains, stormwater drainage features and related improvements. A minimum four (4) foot wide sidewalk is required to be constructed one foot from the property line along the north side of Philadelphia Street as per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances, 12.16.080 New or Relocated Residential or Commercial Buildings states:

"The construction of a permanent sidewalk fronting or abutting all streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential or commercial buildings within the city..."

The requested exception will allow the apartment complex and improvements to be built without the installation of sidewalk adjacent to the improvements.

EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Request for Exception
SW ¼ of NE ¼, S35, T2N, R7E
February 6, 2012
Page 2

The proposed Founders Park North Apartment improvements are located in the SW ¼ of the NE ¼ of Section 35, T2N, R7E, north of the intersection of Founders Park Drive and Philadelphia Street. The topography of the existing street right-of-way (ROW) is fairly level although the terrain beyond the ROW is rugged with shallow draws and hills. Retaining walls have been installed to support the electrical transmission line poles adjacent to the ROW, and these sections of retaining walls encroach in the ROW. The existing retaining wall encroachments into the northern street ROW may necessitate the installation of curb sidewalk or other alternate alignment to accommodate the retaining walls.

Currently, curb sidewalk is installed on the south side of Philadelphia Street from Founders Park Drive to North 11th Street. Curb sidewalk is also installed along the entire west side of Founders Park Drive except for approximately one-hundred fourteen (114) feet of the street at the extreme northern end. Installation of sidewalk along the north side of Philadelphia Street, and the future installation of the short segment of sidewalk at the north end of Founders Park Drive, will provide a safe pedestrian corridor along Philadelphia Street and Founders Park Drive; and will provide a connection to the Greenways Tract pathways along Rapid Creek. Sidewalk installation is not required along the east side of Founders Park Drive per the previously approved variance request 06SV046 (August 21, 2006).

This request is associated with a preliminary Plat Application, 11PL076.

Staff Recommendation: Staff recommends that the request to waive the requirement to install sidewalk along the north side of Philadelphia Street be denied.

**REQUEST FOR EXCEPTION TO
RAPID CITY DESIGN STANDARD / CRITERIA / REGULATIONS**

PROJECT Founders Park North

DATE: 1/20/12 SUBMITTED BY: CENTERLINE for Flump and Lump, LLC aka

PIN #: 35598 ADDRESS: Founders Park North N/A

LEGAL DESCRIPTION: SW1/4NE1/4 LESS ROW, SECTION 35 T2N, R7E, BHM RAPID CITY,
PENNINGTON COUNTY, SD

EXCEPTION REQUESTED: SECTION SCM STD / CRITERIA / **REG**

DESCRIPTION OF REQUEST: WAIVE requirement for sidewalk along the north side of Philadelphia St.

JUSTIFICATION: SEE DEV 12-1065 Plans

Space is compromised by BHP 32 kV power poles with retaining wall protection that encroach into the space. Also, contact with venomous snakes is more likely along this side (see bike path contacts). Sidewalk along south side of Philadelphia will serve pedestrian needs.

SUPPORTING DOCUMENTATION: Yes No

PROPERTY OWNER'S SIGNATURE**: Lawrence M. Kostaneski, PE for DATE: 1/20/2012

**Or Agent, if previously designated by the Owner in writing. Flump & Lump, LLC

-----FOR STAFF ONLY-----

STAFF COMMENTS:

STAFF RECOMMENDATION:

REVIEWED BY:

DATE:

AUTHORIZATION:

APPROVED

DENIED

COMMUNITY PLANNING & DEVELOPMENT SERVICES DIRECTOR DATE

APPROVED

DENIED

PUBLIC WORKS DIRECTOR*

DATE

FILE #: _____

Revised 10/2011

ASSOCIATED FILE#: 11 PL 076

*Public Works Director's signature is not required for Lot Length to Width Exceptions, Ordinance No. 5232.

RECEIVED
JAN 23 2012
ENGINEERING SERVICES

PW021412-13

Proposed FPN Development

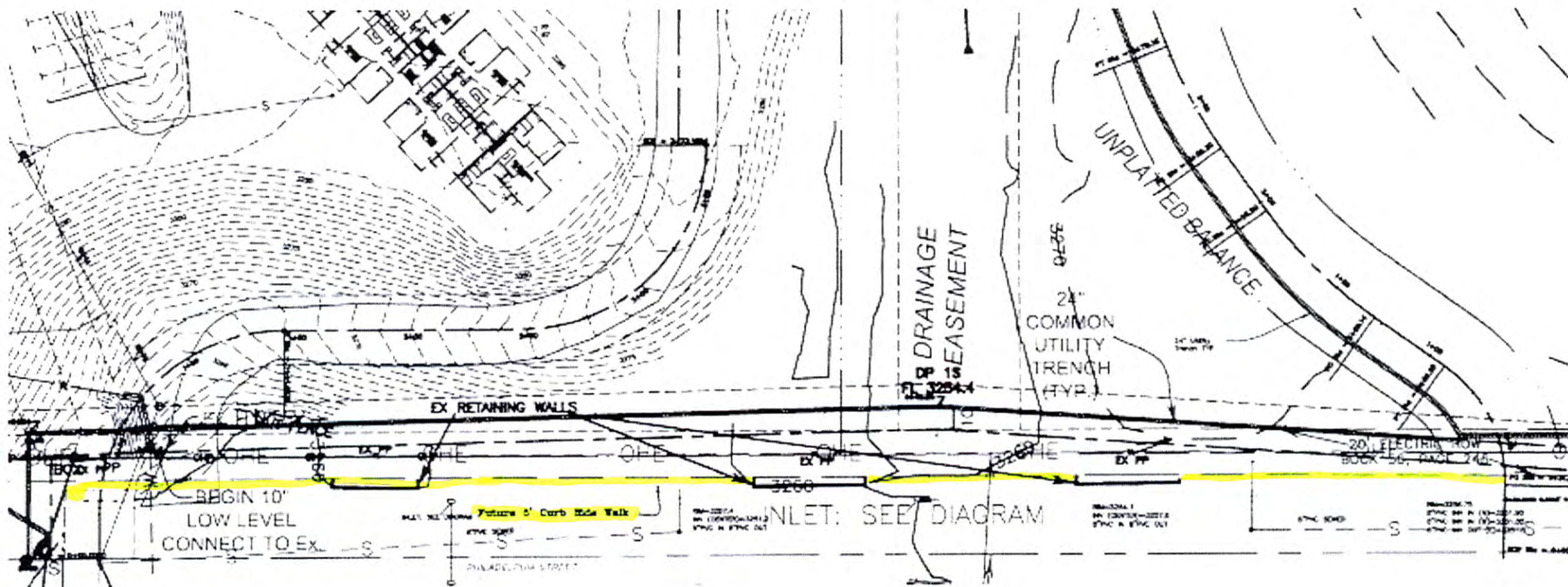
Proposed FPN Sidewalk

Existing Sidewalks

Sidewalk not required per 06SV046

Founders Park North Sidewalk Waiver Request



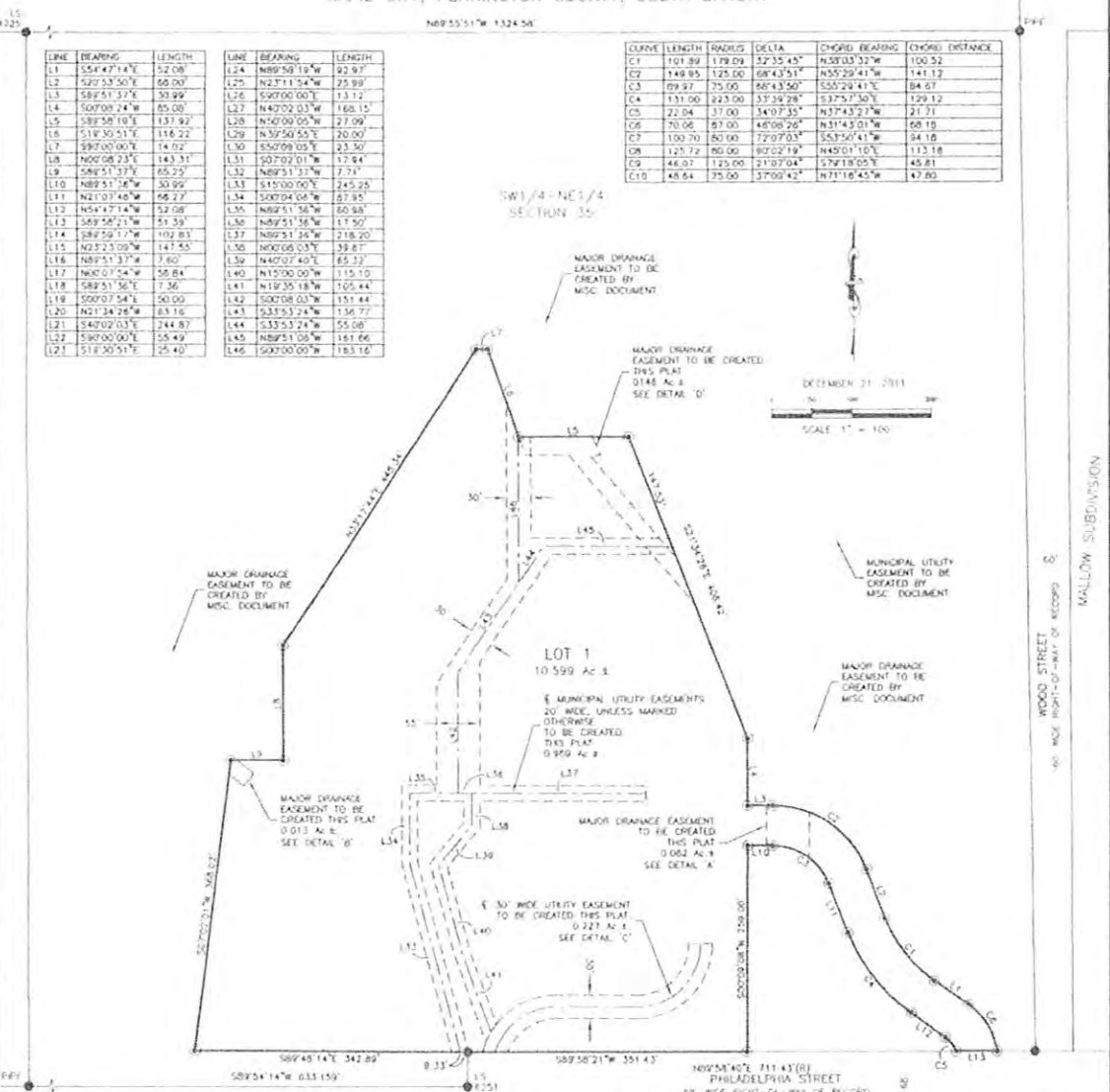


Founders Park North
Partial Site Plan

PLAT OF
 LOT 1 OF
 FOUNDERS PARK NORTH SUBDIVISION
 (formerly a Portion of the SW1/4 of the NE1/4 of Section 35, T2N, R7E, B.H.M.)
 LOCATED IN THE SW1/4 OF THE NE1/4,
 SECTION 35, T2N, R7E, BHM
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S54°47'14"E	52.08	L24	N89°58'19"W	92.97
L2	S27°32'56"E	68.00	L25	N21°11'54"W	25.89
L3	S82°51'37"E	30.99	L26	S00°00'00"E	133.12
L4	S07°00'24"W	85.08	L27	N42°02'03"W	168.12
L5	S82°58'19"E	137.92	L28	N42°00'05"W	27.09
L6	S14°30'51"E	116.22	L29	N39°50'55"E	20.00
L7	S90°00'00"E	14.07	L30	S50°09'05"E	23.50
L8	N00°08'23"E	143.31	L31	S27°02'01"W	17.84
L9	S82°51'37"E	65.25	L32	N89°51'37"W	7.74
L10	N89°51'36"W	30.99	L33	S15°00'00"E	245.25
L11	N21°03'46"W	66.27	L34	S00°04'06"W	87.95
L12	N54°27'14"W	57.08	L35	N89°51'36"W	80.58
L13	S89°50'21"W	21.39	L36	N89°51'36"W	117.50
L14	S89°59'17"W	102.83	L37	N89°51'36"W	218.20
L15	N23°23'09"W	147.55	L38	N00°06'03"E	39.87
L16	N89°51'37"W	7.80	L39	N40°07'40"E	65.32
L17	N60°07'24"W	58.84	L40	N15°00'00"W	175.10
L18	S89°51'36"E	7.36	L41	N18°25'18"W	105.44
L19	S00°07'54"E	50.00	L42	S00°08'03"W	151.44
L20	N21°34'26"W	83.16	L43	S33°53'24"W	136.77
L21	S47°02'03"E	244.87	L44	S33°53'24"W	55.08
L22	S80°00'00"E	58.49	L45	N89°51'08"W	161.66
L23	S14°30'51"E	25.40	L46	S00°00'00"W	183.16

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	101.89	179.09	52°35'45"	N30°03'32"W	100.52
C2	148.95	125.00	68°43'51"	N55°29'41"W	141.12
C3	89.97	75.00	68°43'50"	S55°29'41"E	84.67
C4	131.90	223.00	33°39'28"	S37°57'50"E	129.12
C5	22.04	137.00	34°07'35"	N37°43'27"W	21.71
C6	70.06	87.00	48°08'26"	N31°45'01"W	68.18
C7	100.70	80.00	72°07'03"	S53°50'41"W	94.18
C8	125.72	80.00	80°02'19"	N45°01'10"E	113.18
C9	46.07	125.00	21°07'04"	S79°18'05"E	45.81
C10	48.84	75.00	37°09'42"	N71°18'45"W	47.80



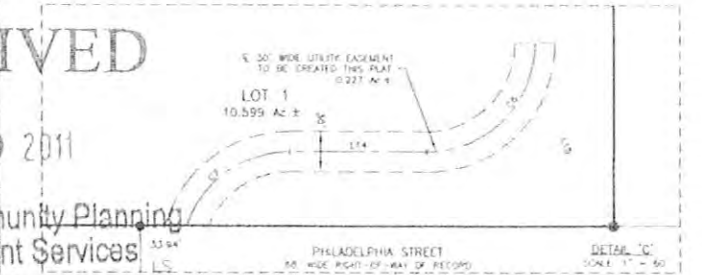
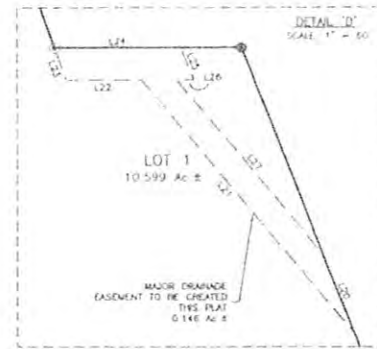
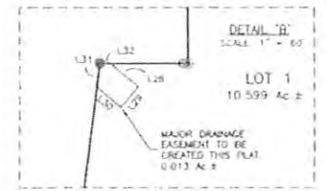
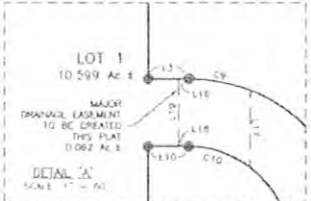
- NOTES:
- (1) Describe all 5/8" lines with survey 1/8" marked "Revised" 11/20/11
 - (2) Describe Found Survey Monument as shown
 - (3) Describe Recorded as previous plat or description
 - (4) Describe Measured in this survey
- Done at Rapid City, South Dakota on or about December 21, 2011 by Global Positioning System (GPS) #25, 34



UTILITY AND MAJOR DRAINAGE EASEMENTS ARE ON THE INTERIOR SIDES OF ALL LOT LINES.

ANY MAJOR DRAINAGE EASEMENT SHOWN HEREON SHALL BE KEPT FREE OF ALL OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO BUILDINGS, WALLS, FENCES, HEDGES, TREES AND SHRUBS. THESE EASEMENTS GRANT TO ALL PUBLIC AUTHORITIES THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND REAR SUCH IMPROVEMENTS AND ENCLOSURES AS IT DEEMS EXPEDIENT TO FACILITATE DRAINAGE FROM ANY SOURCE.

THE BOUNDARIES OF EASEMENTS ARE TO BE LENGTHENED OR SHORTENED TO CONFORM TO EASEMENT LINES AND/OR PROPERTY LINES.



RECEIVED

DEC 29 2011

Rapid City Community Planning & Development Services

From: Centrline@aol.com
To: [Brown Gary](#); [Wright Jerry](#); [Nordstrom Ritchie](#); [Roberts John](#); [Sasso Ron](#)
Cc: pat@nwemanagement.com; srcc@gwtc.net; [Koolker Sam](#); [Davis Dave](#)
Subject: PW CMTE ITEM # 18
Date: Monday, February 13, 2012 2:25:52 PM

Hi

Item 18 is a request by the Founders Park North (FPN) project to waive – at least temporarily – the sidewalk requirement noted. It’s important that Lot 1 become a transferable piece of property in order to keep the financing package on track.

It’s worth remembering that these developers took the old packing plant site and transformed it into the very attractive office complex it is today, using a very modest TID.

They now plan to take what was a “rubble site” to the north and transform it into an equally attractive up-scale townhome project, without any city money except for oversize cost reimbursement.

FPN has yet to integrate their proposed footprint into a cohesive vehicular / pedestrian environment that will work with all existing paths. This will take at least a couple of months.

But most importantly, the city has the ability to order in sidewalk at any time.

FPN request the city waive the requirement for sidewalk at this time with the caveat that it could be ordered built in the future.

I plan to attend the PW meeting to answer any questions Thanks

LMK *for* FPN
(Pat Tlustos; Mike Tennyson)

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