



PW031312-17
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: Brandon Quiett
Engineering Project Engineer

DATE: September 28, 2012

RE: Request to waive requirement to install sidewalk per City Ordinance 12.16.080
2501 E. Saint Francis Street
Lots 11 and 12 of Block 6 of the Rapid Valley Subdivision located in Section 8 of township 1 North and Range 8 East, Rapid City, South Dakota

A request was received in the Public Works Office on February 27, 2012 requesting the requirement to install sidewalk per City of Rapid City Ordinance 12.16.080 be waived. This request is associated with a building permit for a powder coating business. A 4 foot sidewalk is required to be constructed one foot from the property line along Pecan Lane and East Saint Francis 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, section (A) 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..."

Section (C) states:

"Application for variance. Any person aggrieved by any decision of the Building Official under this section may apply in writing to the Common Council for a variance from the requirements of this section."

Therefore, as allowed by ordinance, see attached written request from the land owner to the Common Council.

The subject property is located south of East Saint Patrick Street in the SE quadrant of the intersection of Pecan Lane and East Saint Francis. The property has frontage on both East Saint Francis and Pecan Lane. Currently there are no sidewalks on E. Saint Francis Street from Sedivy Lane to S. Valley Drive. On Pecan Lane there is sidewalk on the east side of the road in front of two (2) lots, and is approximately 200 feet north of the applicant's property. The property has

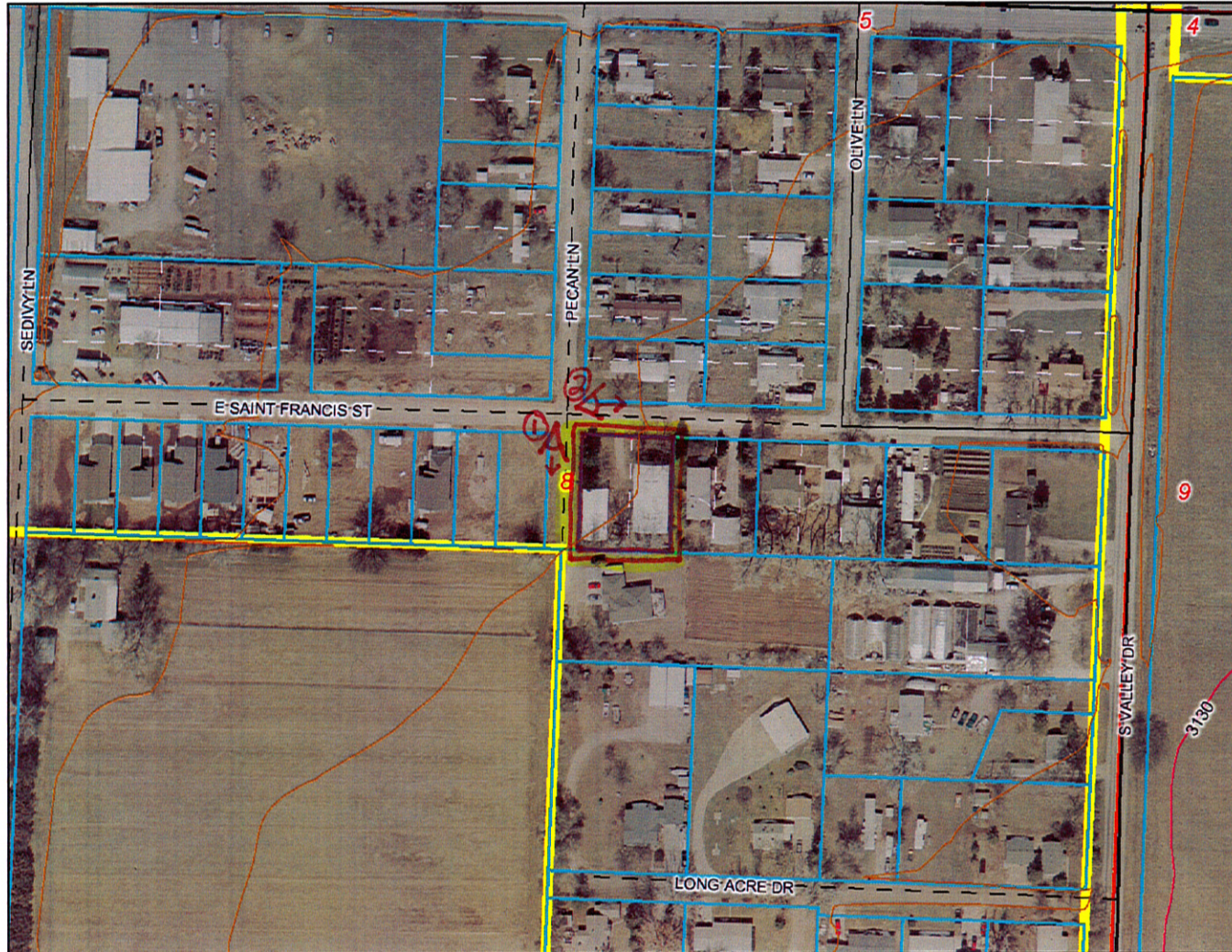
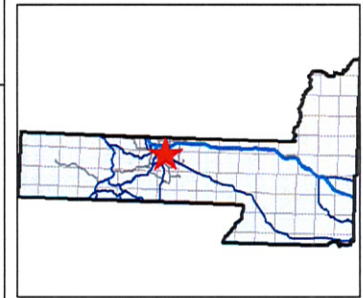


EQUAL OPPORTUNITY EMPLOYER

approximately 240+/- feet of frontage. The topography in this area is very flat. Both streets that front this property are gravel surfaced with no curb and gutter.

Staff Recommendation: Staff recommends the request to waive the requirement to install sidewalk be denied.





Legend

- Roads**
- Not classified
- Interstate
- US Highway
- SD Highway
- County Highway
- Main Road
- Minor Arterial
- Collector
- Ramp
- Paved Road
- Unpaved Road
- FS Unpaved Road
- Driveway
- Paved Alley
- Unpaved Alley
- Unimproved Road
- Trail
- other
- Not yet coded
- City Contour Lines**
- INDEX
- INTERMEDIATE
- Township/Section lines
- SECTION
- TOWNSHIP
- Parcel Boundary
- Lot Lines
- COUNTY BOUNDARY
- LOT LINE
- PARCEL LINE
- ROAD ROW
- RR ROW
- SECTION LINE
- TOWNSHIP LINE



Map center: 44° 3' 57.2" N, 103° 10' 25.6" W



Scale: 1:2,400

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FEB 27 2012

**ENGINEERING
SERVICES****Request for Exception****Project:** Willan Powdercoating Building Permit**Owner:** Kevin Willan**Date:** 2/15/2012**Submitted by:** Kevin Willan**Legal Description:** Lots 11 and 12 of Block 6 of the Rapid Valley Subdivision located in Section 8 of Township 1 North and Range 8 East , Pennington County, South Dakota**Description of Request:**

That an exception to the requirement for a sidewalk within the Pecan Lane and St. Francis Street right-of-way be granted.

Justification:

I am currently in the process for submitting for a building permit for remodeling the two existing buildings on site to be used as a permanent business.

The city ordinance, Section 12.16.070 requires sidewalk a minimum of 4' wide. No sidewalks exist immediately adjacent to the property and the I realize that the city typically requires sidewalk, but I will be requesting an exception for the following reasons:

1. The existing streets are gravel and virtually flat.
2. Currently there has been no sidewalk installed on the properties to the west, east and south. There is limited sidewalk to the north.
3. The existing right-of-way is only 40' wide which would allow only for two 12' lanes with curb and gutter and 5' curb side sidewalk on both sides resulting in the sidewalk being 1.33' off the property line.
4. Since there is no curb and gutter and the existing gravel road is extremely flat, constructing only the sidewalk would severely limit design options for the street drainage in the future and would most likely need to be tore out and replaced to provide proper drainage.
5. Placing only the sidewalk without curb and gutter so close to the existing gravel road will also likely be an obstacle from snow plows and receive damage.
6. Sidewalks would also conflict with proper radii for curb and gutter at the intersections and will likely require some additional right-of-way when intersections are constructed.

I am willing to sign a waiver of right to protest if the exception is granted. I appreciate the Rapid City Council's consideration of my request.

Submitted by:

Kevin Willan, Owner

Phone: 605-381-6831

Email: kwillan41@hotmail.com