



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: June 4, 2012

RE: Request to waive requirement to install sidewalk per City Ordinance 12.08.060
South 423.0 feet of the SW1/4 of the NW1/4 and the North 925.0 feet of the NW1/4 of the SW1/4, located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

A request was received in the Public Works Office on June 1, 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. A 5 foot sidewalk is required to be constructed one foot from the property line along Dyess Avenue as per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances 12.08.060 - New and Existing Developments, 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 on the east side of Dyess Avenue in section 21 approximately half way between Segar Drive and Country Road. Dyess Avenue is a rural section road with ditches on both sides. Per the Infrastructure Design Criteria Manual a 5' sidewalk is required 1' off of the property line inside the right-of-way (ROW). Currently the only ROW is a 66' section line ROW. The property has approximately 1,350 ft of frontage on the section line ROW. Dyess Avenue is considered a minor arterial and will ultimately require 100' of ROW as properties along it are platted. Since the property in question is not platting, they would have two options for sidewalk; 1) install the sidewalk 1' inside the section line ROW which may have conflicts with existing utilities and the roadside ditch, or 2) install sidewalk at the future location which would be



on private property and would require a pedestrian easement. Currently there are no sidewalks on Dyess Avenue north of East Mall Drive.

Based upon the rural nature of this site and the lack of pedestrian traffic in the area, it seems reasonable to allow a variance to the sidewalk requirement until development in the area necessitates construction of an urban street section and sufficient ROW is dedicated along Dyess Avenue. The Rapid City Council has the authority to order in sidewalk at any time should this section become necessary.

Staff Recommendation: Staff recommends the request to waive the requirement to install sidewalk be approved with the requirement of recording a waiver of right to protest (WORP).



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CONSTRUCTION OBSERVATION
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 PROPERTY MANAGEMENT

June 1, 2012

Public Works Department
 City of Rapid City
 300 Sixth Street
 Rapid City, SD 57701

RE: Dyess Business Park (Wausau Supply) Variance Request

Dear: Mr. Quiett

In response to the Plan Review Comments received on 5-29-12 for the Wausau Supply Project located at 3356 Dyess Ave a variance to waive the requirement to install sidewalk per City of Rapid City Ordinance 12.16.080 is being requested.

The effected property is a 41.020 acre parcel legally described as the South 423.0 feet of the SW1/4 of the NW1/4 and the North 925.0 feet of the NW1/4 of the SW1/4, located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. The property is currently zoned light industrial. The construction of a 200' x 297' warehouse facility is being proposed.

The Variance Request is being requested based on the following information:

- The proposed sidewalk will not connect with sidewalks on either side of the property.
- There is currently very little to no pedestrian traffic that travels through the area. Property located north of the site is largely agricultural with very light density and property to the south is mostly industrial.
- Dyess Avenue is currently constructed as a section line highway with steep ditches and an elevated roadway. According to the City of Rapid City Dyess Ave. is a future arterial that will have a 100' ROW. If the sidewalk was built within the 66' section line ROW it would be located within the drainage ditch. If the sidewalk were built to accommodate the future arterial street it would require pedestrian access easements over existing utility easements and further it would be impractical to construct at this time as the future road grades are unknown.

528 KANSAS CITY STREET, SUITE 4 ♦ RAPID CITY, SOUTH DAKOTA 57701
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- The property is zoned industrial.
- The proposed sidewalk would be 1,348 LF long in relation to a 297' long building.

On behalf of the owners, DDI requests that the sidewalk variance be reviewed and granted.

We thank you for your help, and please contact us if you need any additional information.

Sincerely,

DREAM DESIGN INTERNATIONAL, INC.

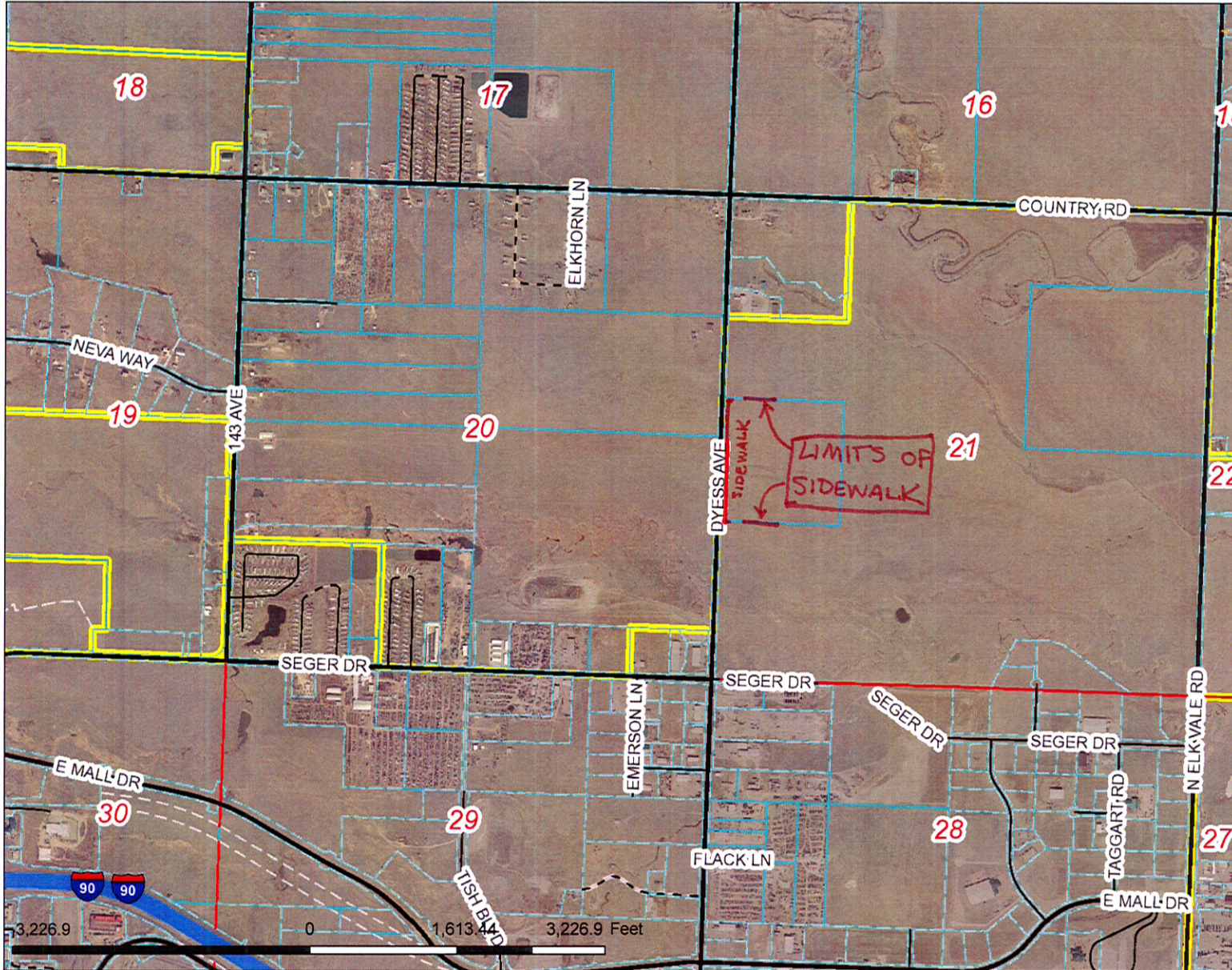
A handwritten signature in black ink, appearing to read 'Kyle Treloar', is written over a long, thin, curved line that spans across the width of the signature area.

Kyle Treloar, EIT

cc: Owner

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
 - Not yet coded
- Township/Section Lines
 - TOWNSHIP
 - SECTION
- Tax Parcels
 - Lot Lines
 - "all other values"
 - Lot Line
 - Parcel Line
 - County Line



Scale: 1: 19,361

Map Notes:

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