



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: October 22, 2012

RE: Request to waive requirement to install sidewalk per City Ordinance 12.08.060
5160 Pine Tree Drive
Lot 7, Block 1, Vista Hills #2, T1N, R7E, BHM, Rapid City, Pennington County,
South Dakota

A request was received in the Public Works Office on September 14, 2012 requesting the requirement to install sidewalk per City of Rapid City Ordinance 12.08.060 be waived. This request is associated with a building permit for a detached garage. A 4 foot wide sidewalk is required to be constructed one foot from the property line along Pine Tree Drive per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances, 12.08.060 - New and existing development, 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 Pine Tree Drive, south of the intersection of Skyview Drive. The property has approximately 250 feet of frontage. The topography is hilly in this area. Pine Tree Drive is a local street with approximately 24 feet of pavement width within a variable width right-of-way (66 feet +/- on the north end of the property and 95 feet +/- on the south end of the property). The roadway is a rural section with no curb and gutter. Topography in this



area would make sidewalk installation difficult. No sidewalk currently exists on the entire length of Pine Tree Drive, and on much of Skyview Drive.

Staff Recommendation: Staff recommends the request to waive the requirement to install sidewalk be approved with the stipulation of signing a Waiver of Right to Protest (WORP).

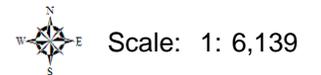
Note: Rapid City Council has the authority to order in sidewalk at any time.



Rapid City-Pennington County GIS

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
- Address Points
 - Township/Section Lines
 - o 0
 - o 7
- Tax Parcels
- Lot Lines
 - <all other values>
 - Lot Line
 - Parcel Line
 - County Line



Map Notes:

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

Boom Construction, Inc.

5340 Pine Tree Dr.

Rapid City, SD 57702

October 18, 2012

To: Public Works Committee

From: Boom Construction Inc. and Brandon and Melody Cruse

Re: Request to waive requirement to install sidewalk per City Ordinance 12.08.060 on Pennington County, SD, S21, T1N, R7E, Black Hills Meridian, Platted: lot 7 block 1 Vista Hills #2 more commonly known as 5160 Pine Tree Dr. Rapid City, SD.

1. No companion improvements exist for the proposed sidewalk to complement. Pine Tree Dr. has no sections of curb or sidewalk. Pine Tree Dr. is a rural road with steep embankments and guard rails that would make the installation of sidewalks nearly impossible.
2. On a larger scale, Skyview Dr. which is the main and only access to Pine Tree Dr. also has no sections of sidewalk or curb. Skyview Dr. is also a rural road.
3. The street frontage of this property is approximately 209 ft. and is zoned single family residential.

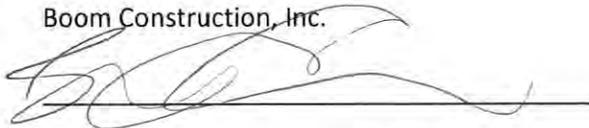
We appreciate your consideration of this request.

Respectfully,



Daene Boomsma, Contractor

Boom Construction, Inc.



Brandon Cruse, Property owner



Rapid City-Pennington County GIS

Legend

Roads

- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Unimproved road
- Trail
- FS Highway
- Airport Runway
- Not yet coded

Lot Lines

- <all other values>
- Lot Line
- Parcel Line

Township/Section Lines

- 0
- 7

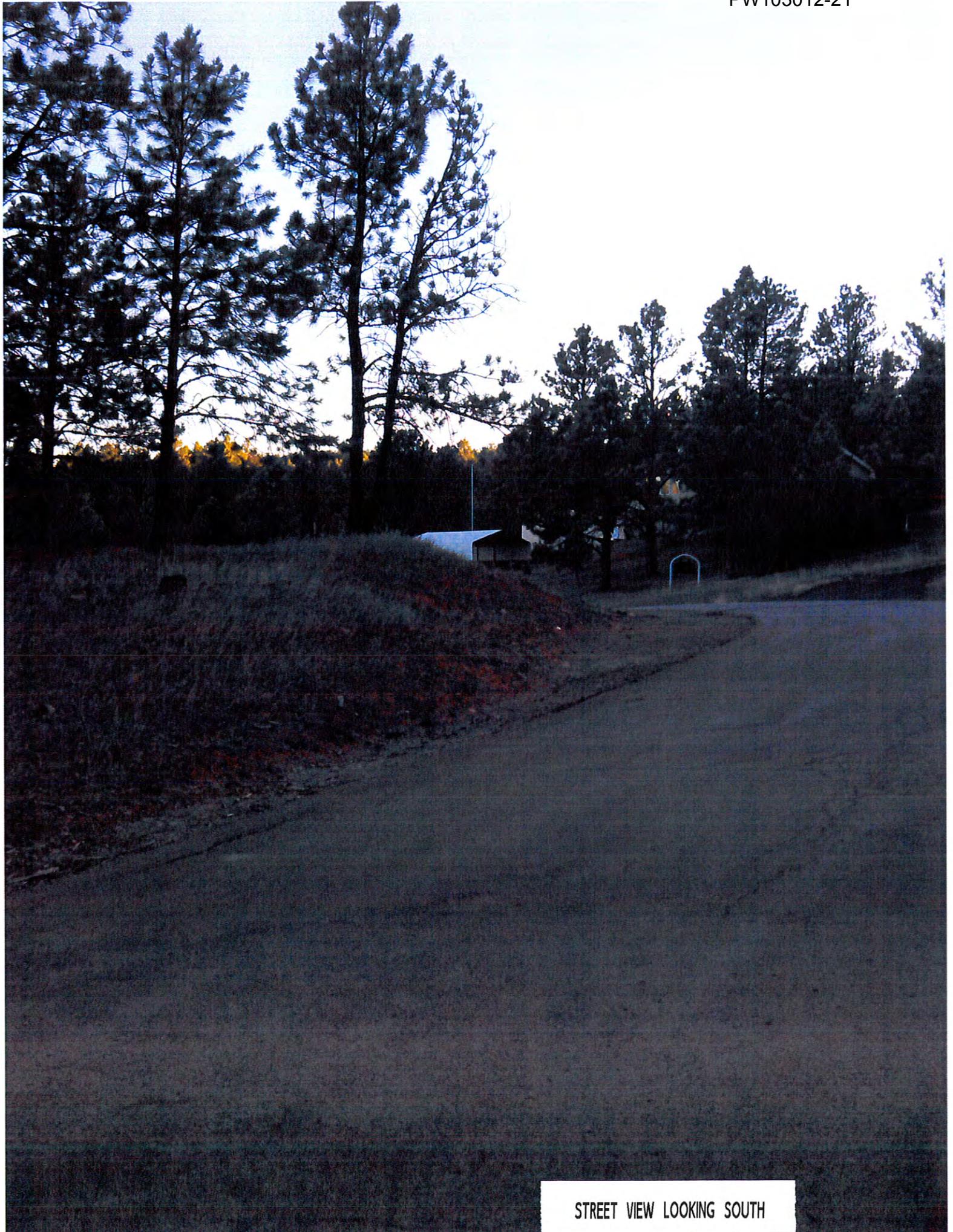
- County Line



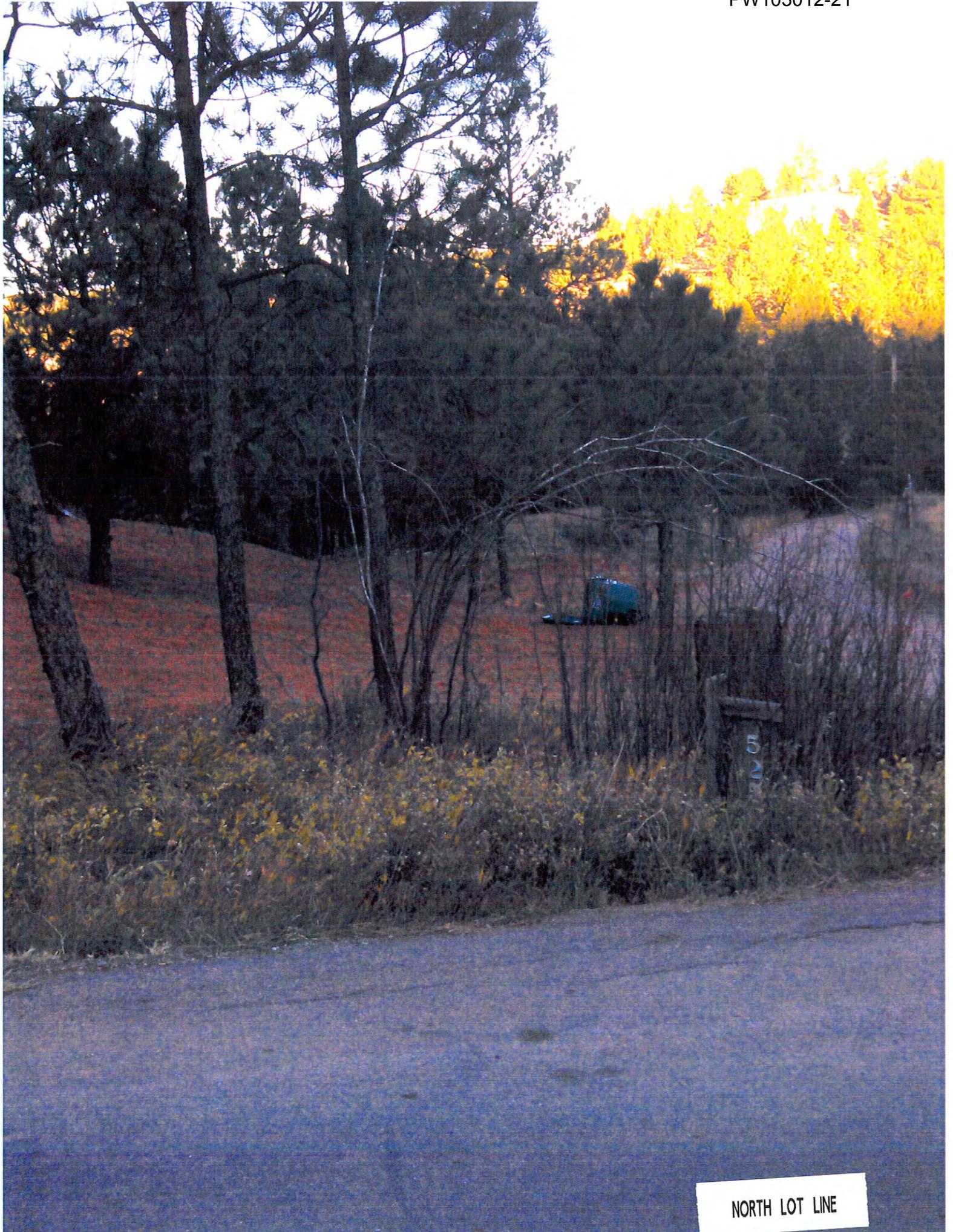
Scale: 1: 940

Map Notes:

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STREET VIEW LOOKING SOUTH



NORTH LOT LINE



SOUTH LOT LINE