



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

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Public Works Department

## Engineering Services Division

300 Sixth Street

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TO: Public Works Committee

FROM: Nicole Lecy  
Engineering Project Engineer

DATE: 10/1/2013

RE: Request to waive the requirement to install sidewalk along Creek Drive per City Ordinance 12.08.060

1708 & 1714 Creek Drive

Lot F of Lot 2 and Lot G of Lot 2 of the SE1/4SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

A request was received in the Public Works Office on September 9, 2013 requesting the requirement to install sidewalk on Creek Drive per City of Rapid City Ordinance 12.08.060 be waived. This request is associated with a building permit for a commercial development. A 5 foot sidewalk is required to be constructed one foot from the property line along Creek Drive, as per the Rapid City Municipal Code. Currently, there is no sidewalk along Creek Drive as it fronts the property.

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 existing 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 an exception from the requirements of this section."*



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Therefore, as allowed by ordinance, see the attached written request from the property owner. The requested exception will allow a commercial development to be built without the installation of sidewalk along Creek Drive.

The subject property is located on the east side of Creek Drive, at the intersection of Creek Drive and East St. Charles Street. The adjacent Creek Drive exists as a rural pavement section with no curb and gutter, utilizing ditches for drainage. On the west side of Creek Drive is an 8' wide bike path, installed by the City as an extension of the bike path from Cambell Street to the Star of the North Softball Fields. Creek Drive is an arterial street on the City's major street plan. If Creek Drive is improved in the future to meet minimum arterial street standards, the street would need to be widen and additional right-of-way acquired, requiring any sidewalk constructed today to be removed and replaced. There appears to be no public utilities that would complicate the installation of a 5 foot property line sidewalk along Creek Drive, however existing drainage ditches and overland flow would complicate the installation. The property owner has agreed to construct the sidewalk in the future, if necessary.

**Staff Recommendation: Staff acknowledges that there is currently an 8' wide bike path on the west side of Creek Drive and no sidewalk on the east side of Creek Drive. Staff recommends a WORP be signed if this variance is approved.**

