

STAFF REPORT
March 22, 2012

No. 100A015 - Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code **ITEM 2**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	No. 100A015 - Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Patsy Horton

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code be **denied**.

GENERAL COMMENTS: **(Updated March 15, 2012. All added and/or revised text is shown in bold print.) This item was continued to the March 22, 2012 Planning Commission meeting to allow coordination with the proposed changes to the Subdivision Ordinance and the Infrastructure Design Criteria Manual. The Planning Commission recommended approval of the Subdivision Ordinance. The Infrastructure Design Criteria Manual was approved as well. The Manual, however, did not include a requirement that development include a pedestrian connection between the right-of-way and the structure. Additionally, the Second Floor Review Committee has indicated that the proposed amendment creates an undue hardship on existing and proposed non-residential development, and therefore, does not support the amendment. As such, staff is recommending that this item be denied.**

(Updated December 21, 2011. All added and/or revised text is shown in bold print.) This item was continued to the January 5, 2012 Planning Commission meeting to allow coordination with the proposed changes to the Subdivision Ordinance and the Infrastructure Design Criteria Manual. The Planning Commission recommended approval of the Subdivision Ordinance. However, the Infrastructure Design Criteria Manual proposed changes have not yet been considered. As such, staff is recommending that this item be continued until those changes move forward in order to coordinate all of the changes to the development related ordinances.

(Updated November 1, 2011. All added and/or revised text is shown in bold print.) This item was continued to the November 10, 2011 Planning Commission meeting to allow coordination with the proposed changes to the Subdivision Ordinance and the Infrastructure Design Criteria Manual. The Planning Commission recommended approval of the Subdivision Ordinance. However, the Infrastructure Design Criteria Manual proposed changes have not yet been considered. As such, staff is recommending that this item be

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continued until those changes move forward in order to coordinate all of the changes to the development related ordinances.

(Updated August 30, 2011. All added and/or revised text is shown in bold print.) This item was continued to the September 1, 2011 Planning Commission meeting to allow coordination with the proposed changes to the Subdivision Ordinance and the Infrastructure Design Criteria Manual. Staff is recommending that this item be continued until those changes move forward in order to coordinate all of the changes to the development related ordinances.

(Updated July 26, 2011. All added and/or revised text is shown in bold print.) This item was continued to the August 4, 2011 Planning Commission meeting to allow coordination with the proposed changes to the Infrastructure Design Criteria Manual. Staff is recommending this item be continued to the September 1, 2011 meeting to allow the coordination of changes to the development related ordinances.

(Updated June 28, 2011. All added and/or revised text is shown in bold print.) This item was continued to the July 7, 2011 Planning Commission meeting to allow coordination with the proposed changes to the Infrastructure Design Criteria Manual from the CDC Technical Committee and comments from the Second Floor Review Committee, in addition to allowing the Growth Management Director to provide input. Staff is recommending this item be continued to the August 4, 2011 meeting to allow the coordination of potential changes to the development related ordinances.

(Updated May 19, 2011. All added and/or revised text is shown in bold print.) This item was continued to the May 26, 2011 Planning Commission meeting to allow coordination with the proposed changes to the Infrastructure Design Criteria Manual from the CDC Technical Committee and comments from the Second Floor Review Committee. However, staff is recommending this item be continued to the July 7, 2011 meeting to allow the Director an opportunity to provide input.

(Updated March 31, 2011. All added and/or revised text is shown in bold print.) This item was continued to the April 7, 2011 Planning Commission meeting to allow additional coordination with the proposed changes to the Infrastructure Design Criteria Manual. The CDC Technical Committee is meeting April 6, 2011 to review the proposed manual before moving it forward for adoption. Additionally, staff has requested that the Second Floor Committee also provide a recommendation. As such, staff is recommending that this item be continued to the May 26, 2011 meeting.

Bicycling and walking are important elements of an integrated, intermodal transportation system. Sidewalks, just like roadways, must form an unbroken coordinated network if they are to provide an effective transportation system for pedestrians. A Special Planning Commission Meeting held on January 19, 2010, to discuss possible revisions to sidewalk requirements to help develop a more effective transportation system for pedestrians. As a result of the Special Planning Commission meeting discussion, staff developed four

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proposed ordinance amendments and presented them at the March 4, 2010, Planning Commission meeting. Staff was directed to hold an open house to give the public the opportunity to review and provide input on the four proposed ordinance amendments.

The proposed ordinance amendments were posted on the City's website and over 300 postcards were sent out to notify developers, consultants and other interested parties of the open house. The open house was held on March 23, 2010, in the Third Floor Conference Room at the City School Administration Center. A total of 6 people attended the meeting. Public feedback was gathered via conversations with attendees and one written comment sheet. In addition to the comment sheet and conversational comments received at the meeting, staff received phone calls from interested parties.

STAFF REVIEW: There is currently no requirement to provide a sidewalk connection from the right-of-way to a building. Staff presented a proposed amendment to require all non-residential buildings to have a minimum of one sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure to the Planning Commission on March 4, 2010, and solicited public comments on the proposed ordinance amendment at an open house on March 24, 2010. Staff received some questions on the proposed amendment to require all non-residential buildings to have a minimum of one sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure, but no opposition was noted.

On October 7, 2010, the Planning Commission authorized staff to advertise for a public hearing on an Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.

Staff recommends adding Section 17.50.305 to the Rapid City Municipal Code as follows:

17.50.305 Minimum pedestrian access requirement.

- A. Duty to provide and maintain pedestrian access.
1. All non-residential buildings will be required to have a minimum of one sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way.
 2. The sidewalk shall be designed and constructed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA).
 3. Every building, or portion of building hereafter erected, and every initiation or expansion of use involving an existing building, shall be provided with permanently maintained pedestrian access as provided in this chapter.

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- B. Initiation and expansion of use. Every building, structure or use which does not conform to the requirements of this title shall conform with the provisions of this section when a use is initiated or expanded.
1. A use is initiated when:
 - a. A building or structure is erected;
 2. A use is expanded when:
 - a. An existing building or structure is enlarged by 20% or more with respect to square feet of gross floor area (SFGFA);
 - b. An existing building or structure is modified internally to accommodate an increased occupant load of 20% or more, as determined by the current building codes adopted by the City of Rapid City;
 - c. A use is expanded by 20% or more as measured by area, employees, rooms, seats, dwelling units or occupants.

Staff recommends that the Ordinance Amendment be denied.