



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

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MEMORANDUM

TO: Public Works Committee

FROM: Vicki L. Fisher, Planning Manager

DATE: September 9, 2009

RE: Authorization for Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of a sidewalk along Haines Avenue

Legal Description: Outlot A of Auburn Hills Subdivision and Lot 5 of Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

A building permit application has been submitted to allow a preschool to be operated within a portion of the existing Atonement Lutheran Church located on the above legally described property. Pursuant to Chapter 12.16.080 of the Rapid City Municipal Code, a sidewalk is not required to be constructed as a part of the building permit application since a building is not being constructed and/or relocated on the property.

On July 23, 2009, the Planning Commission approved a Major Amendment to a Conditional Use Permit to allow the proposed preschool in conjunction with the existing church on the above legally described property. Even though sidewalks are not required along all street rights-of-way as a part of a Conditional Use Permit application, Chapter 17.54.030.E states that due consideration shall be given to pedestrian access in reviewing Conditional Use Permits. In order to insure that pedestrian access was being provided to the church and preschool, the Planning Commission required that sidewalks be provided from the entrance of the church to Auburn Drive. In addition, a sidewalk was required along the western portion of the property as it abuts Auburn Drive to provide a contiguous sidewalk connection along the street. It was also noted that a sidewalk has been constructed south from the intersection of Auburn Drive and Haines Avenue along the west side of Haines Avenue as a part of a reconstruction project for Haines Avenue. To date, Haines Avenue north of the Auburn Drive intersection has not been reconstructed. As such, the Planning Commission did not require that a sidewalk be provided



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along this section of the street as it abuts the property since without construction plans, it would be difficult to match the grade of the finished road section as the grade line has not been determined at this time. The Planning Commission wished to be proactive and approved the Major Amendment to the Conditional Use Permit with the stipulation that the applicant sign a waiver of right to protest any future assessment for the installation of a sidewalk along Haines Avenue as it abuts the property. The document requires the signature of the Mayor and the Finance Officer.

Staff Recommendation: Authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of a sidewalk along Haines Avenue as it abuts the property.

(File #09UR017)