



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: September 7, 2011

RE: Request to waive requirement to install sidewalk per City Ordinance 12.16.080
1391 E. Hwy 44
Lot 2, and Lot 3, Cambell Square Addition, located in Section 5, T1N, R8E, BHM,
Rapid City, South Dakota

A request was received in the Public Works Office on September 7, 2011 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 for an auto dealership. A 4 foot sidewalk is required to be constructed one foot from the property line along Hwy 44 as per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances, 12.16.080 New or Relocated Residential or Commercial Buildings. 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 properties are located on the south side of Hwy 44 in the Cambell Square Addition, approximately 1,000 feet east of Cambell Street and just west of the intersection of E. Highway 44 and Creek Drive. Hwy 44 is a state highway with no sidewalk in the location of the subject properties, or sidewalk on the east or west to connect to. The properties' frontage within the Right of Way is at a local high point and is approximately 130 feet in length. The topography gently slopes to the northwest and the south east from the common lot line. There is a ditch and culvert crossing on the west side of the frontage which may require additional fill material, or possibly a



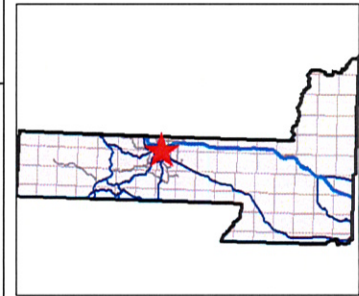
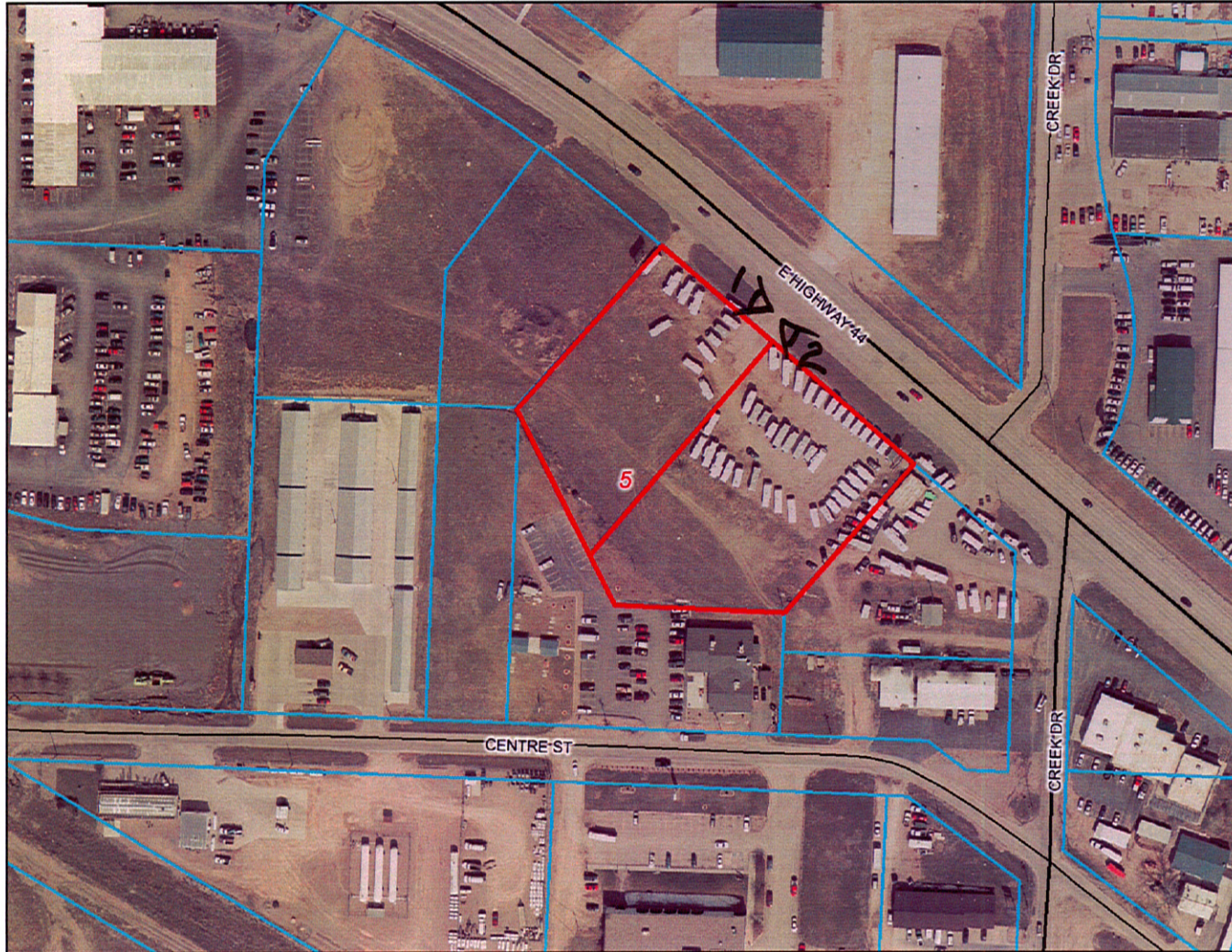
EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

small retaining wall. The site plan does not indicate use of the western approach, so the culvert crossing may even be removed. A demand path on the north side of the street indicates that most of the pedestrian traffic along E. Highway 44 is across the street, where there is also no sidewalk. There is a city water line near the typical sidewalk location, but should not present a conflict. Staff recommends that sidewalk be included with the building permit application.

Staff Recommendation: Staff recommends the request to waive the requirement to install sidewalk be denied.





Legend

- Roads**
- ↘ Not classified
 - ↘ Interstate
 - ↘ US Highway
 - ↘ SD Highway
 - ↘ County Highway
 - ↘ Main Road
 - ↘ Minor Arterial
 - ↘ Collector
 - ↘ Ramp
 - ↘ Paved Road
 - ↘ Unpaved Road
 - ↘ Driveway
 - ↘ Unimproved Road
 - ↘ Trail
 - ↘ other
 - ↘ Not yet coded
- Township/Section lines**
- ↘ SECTION
 - ↘ TOWNSHIP
 - Parcel Boundary
 - Lot Lines
 - ↘ COUNTY BOUNDARY
 - LOT LINE
 - ↘ PARCEL LINE
 - ↘ ROAD ROW
 - ↘ RR ROW
 - ↘ SECTION LINE
 - ↘ TOWNSHIP LINE
 - ↘ WATER LINE
 - ↘ STATE BOUNDARY
- PLSS Sections**
- County Line
 - Sanitary Tax Districts
 - Colonial Bison Mills Sanitary District

0 225 450 675 ft.

Map center: 44° 4' 45.3" N, 103° 11' 18.5" W



Scale: 1:2,400

DISCLAIMER: This map is provided 'as is' without warranty of any representation of 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 a 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.



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S and N HOMES INC.

1650 LAZELLE

STURGIS, SD 57785

1-605-490-3200

RECEIVED
SEP 7 2011
ENGINEERING DIVISION

To: Public Works Committee:

From: Shurald and Nancy Swedlund

Date: September 6, 2011

Re: Request to waive requirement to install sidewalk per City Ordinance 12.16.080

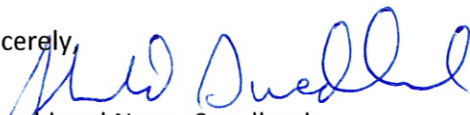
East Hwy 44 lots 2 and 3 Cambell Square Addition, Rapid city, South Dakota.

We , Shurald and Nancy Swedlund, the owners of Lots 2 and 3 of Cambell Square Addition
Are requesting the requirement to install sidewalk per City of Rapid City ordinance 12.16.080 be
Waived.

1. The Topography does not allow for sidewalks to be installed due to the steep ditches and sloping of the land.
2. There are no sidewalks on either side of the property (east or west) to connect to.
3. There are no sidewalks within miles on Hwy 44 on the South Side including a newly built strip mall just east of the property.
4. The city main water supply would be directly beneath the entire frontage of property which would cause future problems for servicing the water line.

Thank you for your time and consideration of this variance we are requesting.

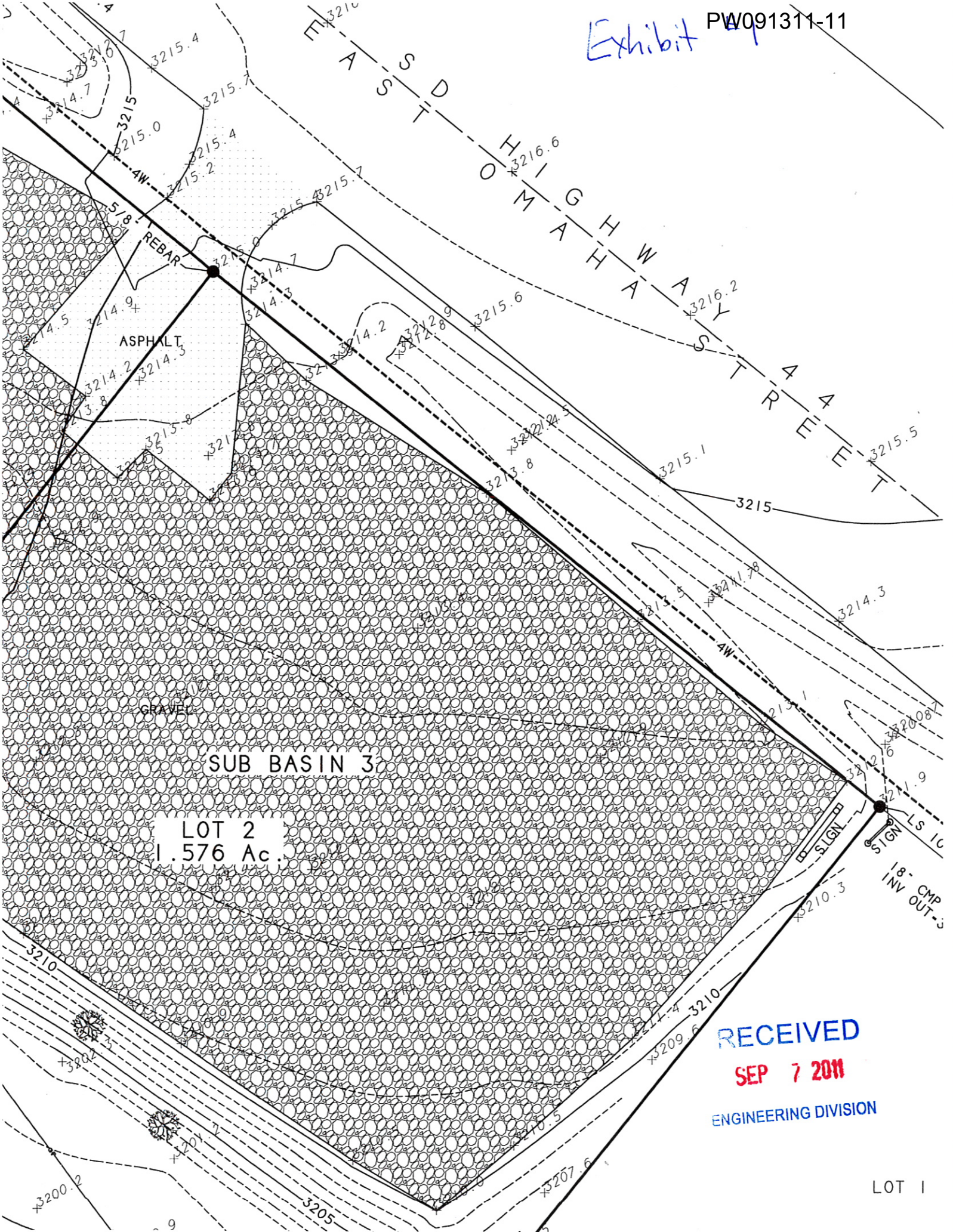
Sincerely,


Shurald and Nancy Swedlund

Exhibits 1 and 2 have been provided as attachments to illustrate the topography.
Exhibits 3 and 4 have been provided in picture form for visual.

Exhibit A

M A S S A C H U S E T S
O H I O
M I G H W A N A
S T R A Y
M E



ASPHALT

GRAVEL

SUB BASIN 3

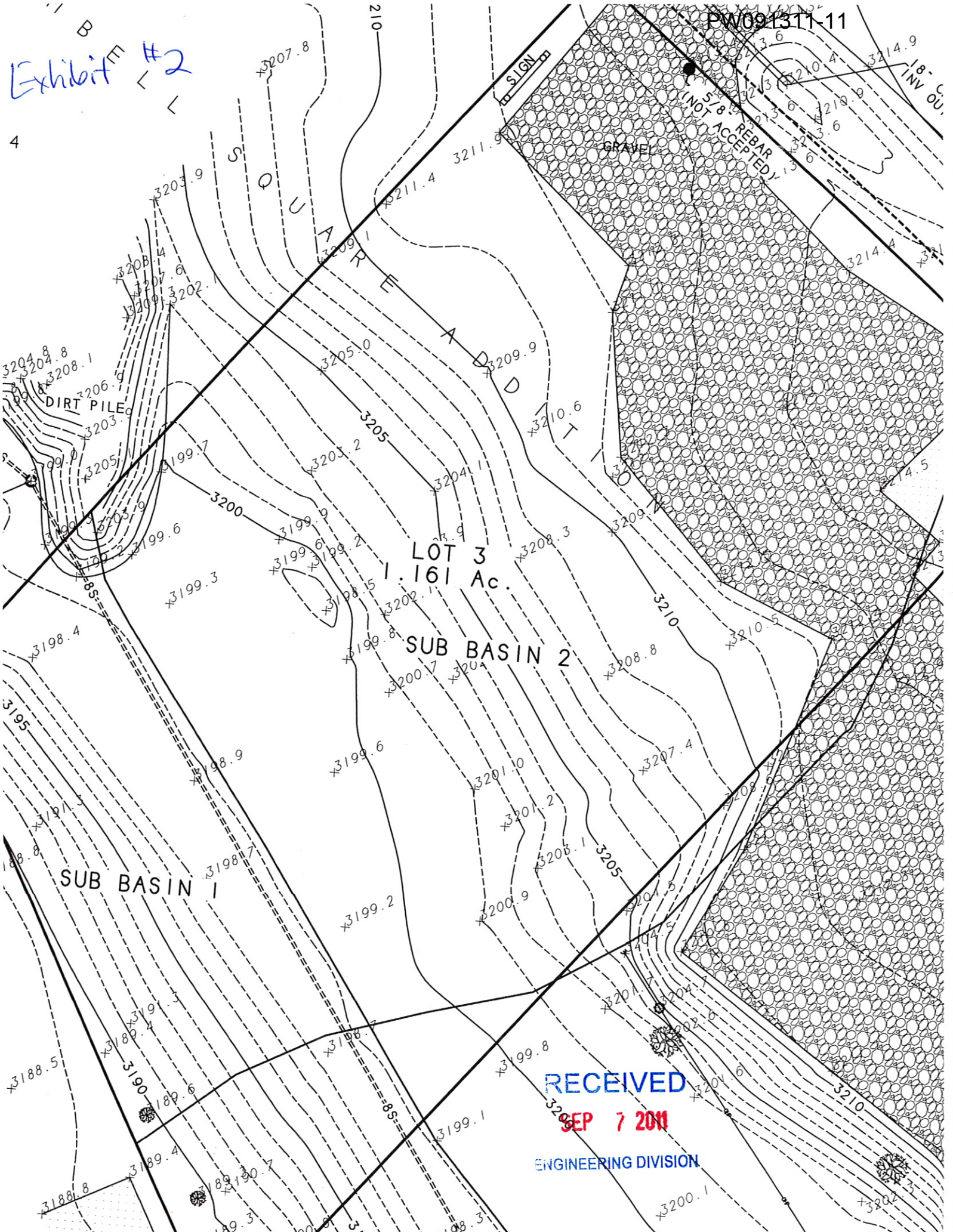
LOT 2
1.576 Ac.

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LOT 1

Exhibit #2

PW0913T1-11



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 ENGINEERING DIVISION