



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Growth Management Department

300 Sixth Street

Ted Johnson, Engineering Project Manager  
Growth Management Department  
city web: [www.rcgov.org](http://www.rcgov.org)

Phone: 605-394-4157  
Fax: 605-394-6636  
e-mail: [ted.johnson@rcgov.org](mailto:ted.johnson@rcgov.org)

### MEMORANDUM

TO: Rapid City Public Works Committee

FROM: Ted Johnson, Engineering Project Manager  
Public Works Engineering

DATE: February 28, 2012

RE: Appeal of Denial of Request for an Exception to waive the requirement for a second access for 120 dwelling units regarding the proposed re-platting of Lot 4, Block 3, Nielsen Subdivision  
Section 18, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota

A request was submitted by Fisk Land Surveying and Civil Engineering, on the behalf of Delbert Stover, on January 31, 2012 requesting an exception to waive the requirement to provide a second street access when more than forty (40) dwelling units are exclusively accessed from a single street. The request is associated with Layout Plat No. 11PL047 for proposed Lots 4A and 4B of Block 3, Nielsen Subdivision, to allow a single street to serve as exclusive access for 120 dwelling units.

The City of Rapid City, by resolution dated August 21, 2000, approved an amendment to the City's Street Design Criteria Manual stating that "...A street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street; and, The forty (40) dwelling units shall be identified from the combination of all developments(s) gaining access from the street. This requirement shall apply to all developments including phased projects; and, No additional development shall be allowed on any street currently exceeding forty (40) dwelling units unless a second street access is provided or the Rapid City Council has previously approved an alternative requirement..."



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Currently, Dark Canyon Road serves as the exclusive access to the Nielsen Subdivision as well as numerous lots and parcels between Rapid Creek and West Highway 44 in the Dark Canyon Area. The Nielsen Subdivision and adjoining properties are located in an extreme wildfire hazard zone as determined by the Rapid City Fire Department.

The intent of limiting the number of dwelling units with one street access is to insure safe ingress and egress to these developments during times of emergency. The Rapid City Fire Department has indicated that during times of a fire or other emergency event, one point of access to more than forty dwelling units is not sufficient to handle emergency vehicle and residential traffic. At this point, the Nielsen Subdivision does not have a second street access, and there does not appear to be any plans to provide a second street access to this area. This subdivision as well as several other parcels along Dark Canyon Road are located in close proximity to West Highway 44 but, due to the steep rugged terrain, cannot be accessed by fire and emergency equipment and services utilizing West Highway 44. Due to the remote forested and rugged terrain, extreme wildfire hazard area, the length and rural nature of Dark Canyon Road and the significant safety issues related to allowing 120 dwelling units in lieu of 40 dwelling units with one point of access, staff recommends that the Exception requested be denied.

**Staff Recommendation: Staff recommends denial of the request to allow a single street to serve as exclusive access for 120 dwelling units.**

REQUEST FOR EXCEPTION TO  
RAPID CITY DESIGN STANDARD / CRITERIA / REGULATIONS

PROJECT STOVER - NIELSEN SUBD.

DATE: 1-27-12 SUBMITTED BY: FISK LAND SURVEYING & CE

PIN #: 3718179005 ADDRESS: P.O. BOX 8154, RC, SD 57709

LEGAL DESCRIPTION: LOT 4, BLOCK 3, NIELSEN SUBD,  
SECTION 18, T1N, R7E, BHM, PENN. CO., SD

EXCEPTION REQUESTED: SECTION \_\_\_\_\_ STD (CRITERIA) REG \_\_\_\_\_

DESCRIPTION OF REQUEST: TO ALLOW 120 DWELLING UNITS  
WITH ONE POINT OF ACCESS IN LIEU OF 40  
DWELLING UNITS

JUSTIFICATION: THIS LOT HAS BEEN USED FOR OVER 30 YEARS FOR  
RESIDENTIAL & COMMERCIAL PURPOSES. THE COMMERCIAL USE &  
BUILDING WILL BE CONVERTED OR REPLACED WITH A RESIDENTIAL  
UNIT WITH NO INCREASE IN THE DENSITY OF STRUCTURES. BOTH

SUPPORTING DOCUMENTATION:  Yes  No

PROPERTY OWNER'S SIGNATURE\*\*: [Signature] DATE: 1-30-12

\*\*Or Agent, if previously designated by the Owner in writing.

-----FOR STAFF ONLY-----

STAFF COMMENTS: The existing parcel & proposed lot are served exclusively by Park  
Canyon Rd. Due to the limited access, length of road access and rough topography,  
public safety and emergency access are significantly compromised

STAFF RECOMMENDATION: Deny Additional development and increased development  
will affect traffic volume & usage which could easily block emergency access

REVIEWED BY: [Signature] DATE: 2-6-12

AUTHORIZATION:

[Signature]  APPROVED  DENIED  
COMMUNITY PLANNING & DEVELOPMENT SERVICES DIRECTOR DATE 3/7/2012

[Signature]  APPROVED  DENIED  
PUBLIC WORKS DIRECTOR\* denied DATE 2-7-12

RECEIVED  
JAN 31 2012  
ENGINEERING SERVICES

FILE #: 12EX022

ASSOCIATED FILE#: 11 PL 047

Revised 10/2011

\*Public Works Director's signature is not required for Lot Length to Width Exceptions, Ordinance No. 5232.

LOTS ARE IN CLOSE PROXIMITY TO HIGHWAY 44

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](http://www.rcgov.org)

February 6, 2012

Delbert Stover  
6280 Tittle Springs Place  
Rapid City, South Dakota 57701

Re: Request for Exception  
Lot 4, Block 3, Nielsen Subdivision  
Section 18, T1N, R7E, BHM, Pennington County, South Dakota

Dear Mr. Stover:

The Request for an Exception to waive the 40 Dwelling Unit Rule and allow a single access street to serve one hundred twenty (120) dwelling units is denied. The City of Rapid City, by resolution dated August 21, 2000, approved an amendment to the Rapid City Street Design Criteria which limits the number of dwelling units served by a single street access to no more than forty (40) dwelling units. A second street access shall be provided when more than forty dwelling units are exclusively accessed from a street. This requirement is to ensure adequate emergency and public access is provided to all developments. The proposed division of the referenced property will create an additional developable lot and will increase the density of the area accessed through Dark Canyon Road.

Additional development or an increase in density in this area will affect traffic volumes and usage which could easily block or prevent emergency access and services within the Dark Canyon area which may result in significant property damage or loss of life.

The denial of this exception request may be appealed to the City Council by requesting it be placed on the next Public Works Committee agenda. Please contact the Public Works Engineering Department if you desire to appeal. The City Council has final approval of exception requests.

Sincerely,

Ted Johnson  
Engineering Project Manager

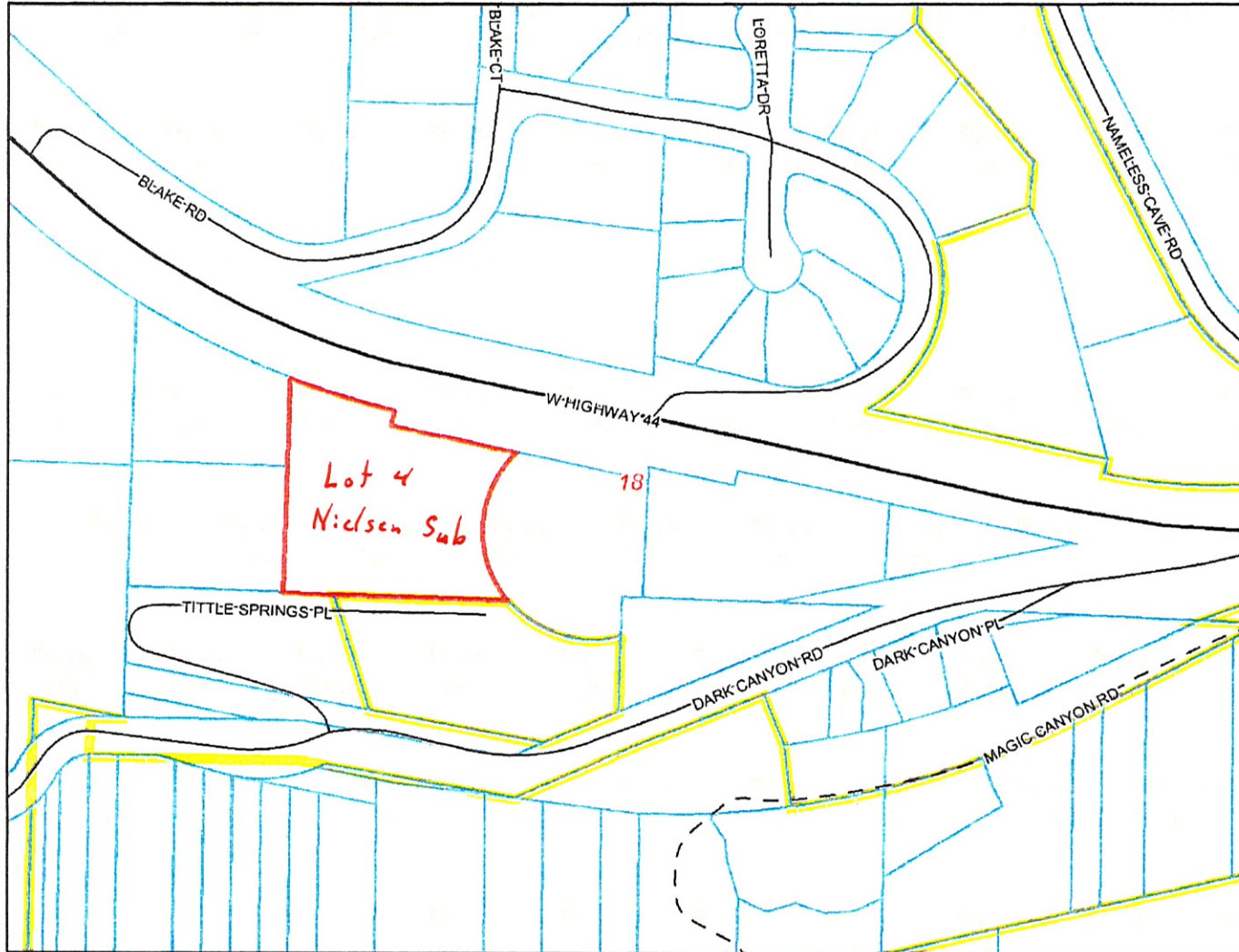
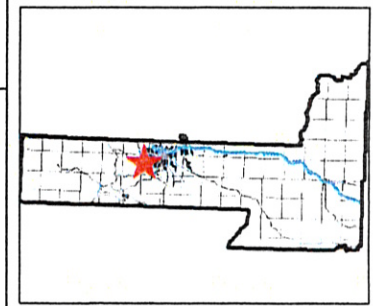
Cc: Janelle Fink, Fisk Land Surveying & Engineering



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

# 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
- 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
- City Boundaries
- Rapid City



Map center: 44° 2' 47.5" N, 103° 19' 21.3" W



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 of 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.

DEEMINARY

# Plat of Lots 4A and 4B OF BLOCK 3 OF NIELSEN SUBDIVISION

Formerly all of Lot 4 of Nielsen Subdivision,  
located in the SE 1/4 NW 1/4 and in the NE 1/4 SW 1/4 of Section 18, T1N, R7E, BHM,  
Rapid City, Pennington County, South Dakota

PW031312-18

Prepared by  
P&K Land Surveying &  
Consulting Engineers, Inc.  
P.O. Box 8154  
Rapid City, South Dakota 57709  
605-343-1538  
Project # 02-02-06

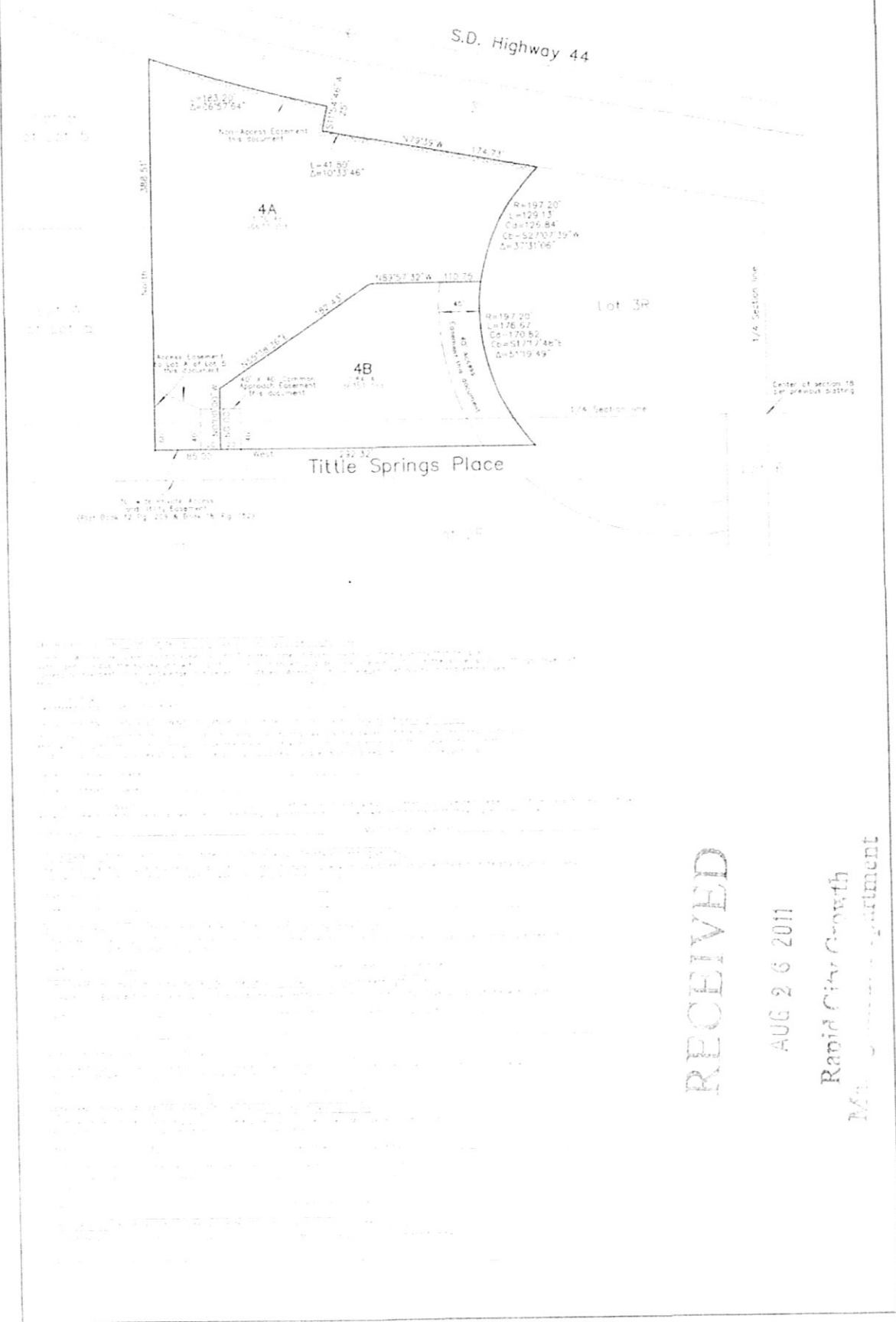
of Utility and Minor Drainage Easements on  
the interior side of all lot lines.  
(Plat Book 12 Page 209)

Any major drainage easement shown herein shall be read  
free of all obstructions including, but not limited to,  
buildings, walls, fences, hedges, trees and shrubs. These  
easements grant to all public authorities the right to  
construct, operate, maintain, inspect and repair such  
improvements and structures as it deems expedient  
to facilitate drainage from any source.

Basix of Bearings  
and North as determined by  
GPS Observation

**LEGEND**

- Found Survey Monument as noted
- Set Rebar with cap marked "PK-P&K 6565"



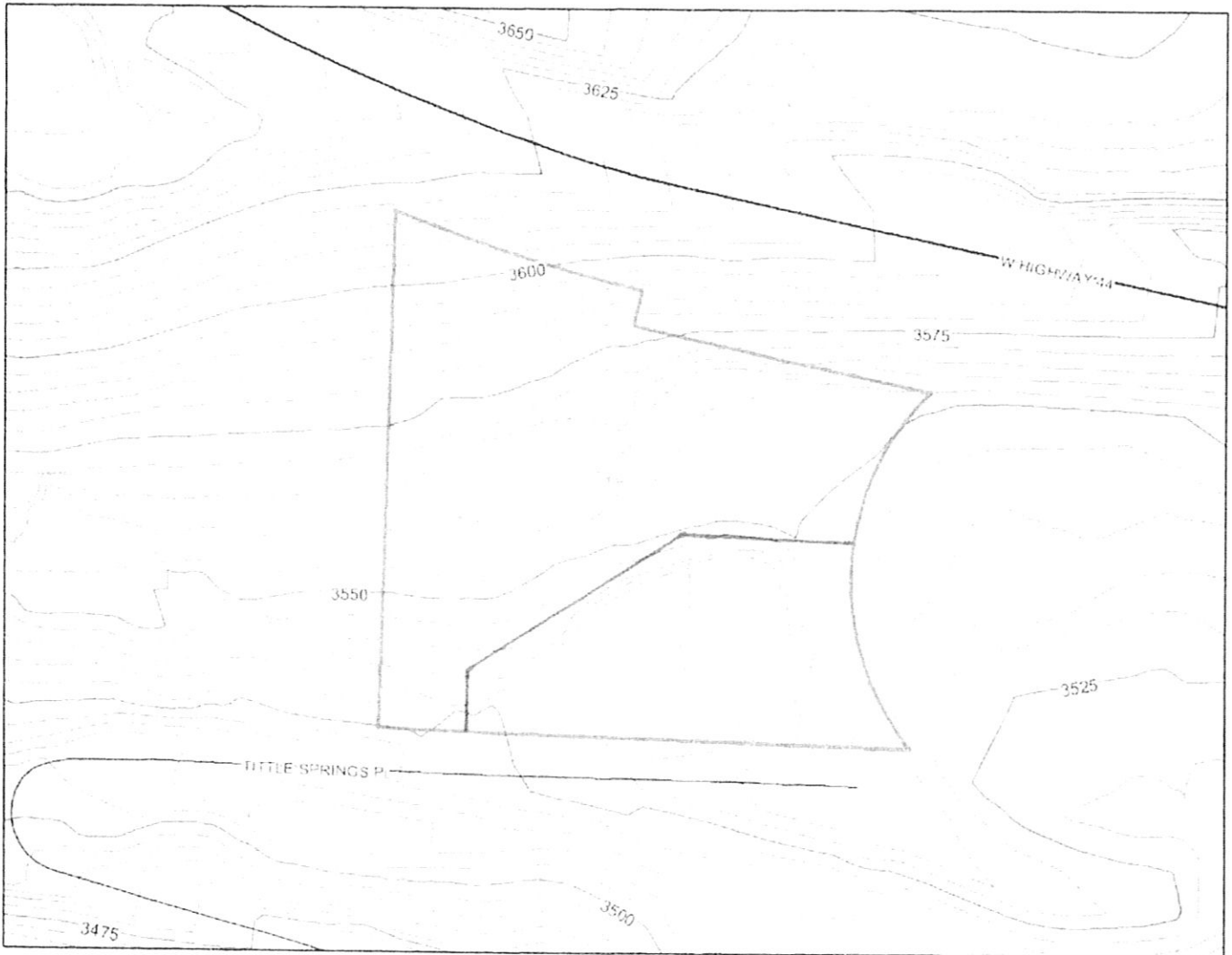
RECEIVED

AUG 26 2011

Rapid City Growth  
Management Department

# TOPOGRAPHIC MAP

Proposed Lots 4A and 4B of Block 3 of Nielsen Subdivision  
Located in Section 18, T1N, R7E, BHM,  
Pennington County, South Dakota



RECEIVED

AUG 26 2011

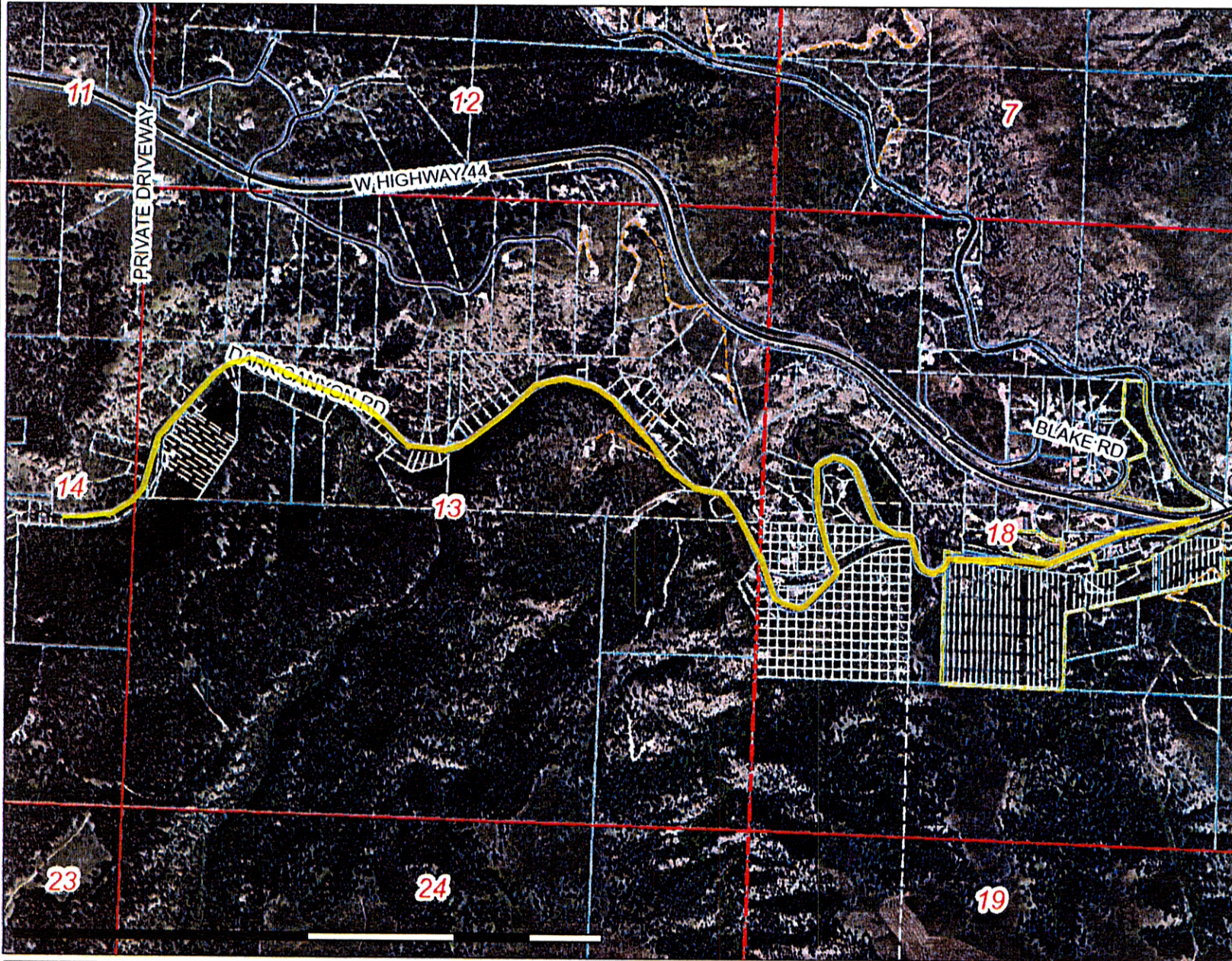
Rapid City Growth  
Management Department

Township/Section Lines

— TOWNSHIP

— SECTION

□ Tax Parcels



Scale: 1: 14,783

**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 produced by the City of Rapid City or the vendors furnishing said items to the City of Rapid City.