



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

TO: Public Works Committee  
FROM: Brandon Quiett  
Engineering Project Engineer  
DATE: September 17, 2012  
RE: Request to waive requirement to install sidewalk per City Ordinance 12.08.060  
2105 Elmhurst Dr.  
S1/2 of Lot 13 and All of Lot 14 of Lot 3, Block 2, NE1/4 NW1/4 Section 9, T1N,  
R7E, BHM, Rapid City, South Dakota

A request was received in the Public Works Office on September 14, 2012 requesting the requirement to install sidewalk per City of Rapid City Ordinance 12.08.060 be waived. This request is associated with a building permit for a detached garage. A 4 foot wide sidewalk is required to be constructed one foot from the property line along Elmhurst Dr. per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances, 12.08.060 - New and existing development, 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 property is located on the west side of Elmhurst Dr. just south of the intersection of Garvin Ct. The property has approximately 75 feet of frontage. The topography is relatively flat in this area. Elmhurst Dr. is a very narrow local street with approximately 12 to 14 feet of pavement width, curb and gutter, and is constructed in approximately 18 feet of right-of-way. Due to the lack of right-of-way width, there is simply no room for sidewalk. As noted in the attached letter from the property owner, no parcels on Elmhurst Dr. currently have sidewalk (with the exception of a corner lot - 3902 Minnekahta Dr.).



EQUAL OPPORTUNITY EMPLOYER

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

Note: Rapid City Council has the authority to order in sidewalk at any time.



**EQUAL OPPORTUNITY EMPLOYER**

# Rapid City-Pennington County GIS

## Legend

### MajorStreetPlan

- COLLECTOR
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PROPOSED COLLECTOR
- PROPOSED MINOR
- PROPOSED PRINCIPAL

### Roads

- Not classified
- Interstate
- US Highway
- SD Highway
- County Highway
- Main Road
- Minor Arterial
- Collector
- Ramp
- Paved Road
- Unpaved Road
- FS Unpaved Road
- Driveway
- Paved Alley
- Unpaved Alley
- Unimproved Road
- Trail
- Not yet coded

### Address Points

### Township/Section Lines

- 0
- 7

### Tax Parcels

### Lot Lines

- <all other values>
- Lot Line
- Parcel Line

### County Line



Scale: 1: 1,228

## 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 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.

2105 Elmhurst Dr.  
 Rapid City, SD 57702  
 605-343-7203

September 14, 2012

To: Public Works Committee:  
 From: Craig and Susan Greenwalt

Re: Request to waive requirement to install sidewalk per City Ordinance 12.08.060 on Pennington County, SD, S09, T1N, R07E, Black Hills Meridian, PLATTED, BLOCK 2, S1/2 OF LOT 13 & ALL OF LOT 14 OF LOT 3 OF NE1/4NW1/4, more commonly known as 2105 Elmhurst, Dr. Rapid City, SD.

We, Craig and Susan Greenwalt, request the requirement to install sidewalk at 2105 Elmhurst Drive per Rapid City Ordinance 12.08.060 be waived.

1. No companion improvements exist for the proposed sidewalk to complement. Elmhurst Drive between Canyon Lake Drive and Minnekahta Drive has only one section of curb with a sidewalk (which is on a corner lot, Minnekahta Drive address, and is nonconforming to current code). That sidewalk is pictured in Exhibit 1. That section of Elmhurst Drive has 30 parcels abutting and reporting to it and has approximately 2500 feet of curb. None of the 30 parcels have sidewalks. The proposed addition of 75 feet at the subject address would bring the street's compliant sidewalk for that section to 3% of the total curb length.
2. On a larger scale, side streets in the area bounded by Elmhurst Drive on the east, Canyon Lake Drive on the north and west, and Lakeview Drive on the South, (excluding the dead ends of Dale, Woodbine and Lilac Lane from consideration) have approximately 177 parcels, 7 of which have any sort of a sidewalk. The area has approximately 15,708 feet of curb of which only 3.9% has any sort of a sidewalk. 40% of those are either 32" or 36" wide. See Exhibit 2. 50% of the seven have vegetation or other obstruction blocking passage to the adjoining lot effectively leaving only 2% of the area serviced by usable public sidewalk. See Exhibits 1 and 3. The only sidewalk used by the public is the 3 adjoining lots on Elmhurst Drive between Sunset Drive and Minnekahta Drive with unbroken walkway. This is shown at the right extremity of Exhibit 2.
3. As are several locations on Elmhurst Drive, the curb at the subject address is significantly compromised. The curb at the subject address has collapsed where a large tree was cut for street construction in the 1950's and had rotted. The curb was in its present condition in 1974 when we purchased the property. See exhibit 4.
4. Elmhurst Drive is only 18 feet wide presenting potential motor vehicle – pedestrian risks in the unlikely event a pedestrian would elect to use a 75 foot length of sidewalk but then have to re-enter the line of traffic. From the perspective of 38 years of being both a motorist and a pedestrian on this street, greater safety exists for the pedestrian in the right of way by being constantly visible to the motorist.
5. The proposed sidewalk would coincide with the Bennett Ditch easement.

We appreciate your consideration of this request.

Respectfully,



Craig and Susan Greenwalt



Exhibit 1

The only existing sidewalk on Elmhurst Drive between Minnekahta Dr and Canyon Lake Drive



Elmhurst Drive Section



Minnekahta Drive Section



## Exhibit 2

Locations of existing sidewalks on side streets in area bounded by Elmhurst Drive, Canyon Lake Drive and Lakeview Drive are located by red arrows.



Exhibit 3  
Obstructions at Ends of Existing Sidewalks Canyon Lake Area





Exhibit 4  
Condition of Curb at Subject Address

