



# 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: October 11, 2012  
RE: Request to waive requirement to install sidewalk per City Ordinance 12.08.060  
SW1/4 of the NW1/4 Less the south 423' of the SW1/4 of the NW1/4, and the West 446.65' of the SE1/4 of the NW1/4, Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

A request was received in the Public Works Office on October 9, 2012 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. A 5' sidewalk is required to be constructed one foot from the property line along Dyess Avenue as per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances 12.08.060 - New and Existing Developments, 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's engineer to the Common Council.

The subject property is located on the east side of Dyess Avenue in section 21 approximately 3,090' north of Segar Drive and 1,600' south of Country Road. Dyess Avenue is a rural section road with ditches on both sides. Per the Infrastructure Design Criteria Manual a 5' sidewalk is required 1' off of the property line inside the right-of-way (ROW). Currently the only ROW is a 66' section-line ROW. The property has approximately 590' of frontage on the section line ROW. Dyess Avenue is considered a minor arterial and will ultimately require 100' of ROW as properties along it are platted. Since the property in question is not platting, they would have two options for sidewalk; 1) install the sidewalk 1' inside the section line ROW which may have conflicts with existing utilities and the roadside ditch, or 2) install sidewalk at the future location which would



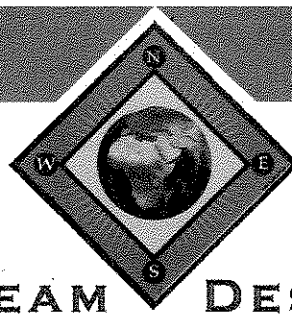
be on private property and would require a pedestrian easement. Currently there are no sidewalks on Dyess Avenue north of East Mall Drive.

Based upon the rural nature of this site and the lack of pedestrian traffic in the area, it seems reasonable to allow a variance to the sidewalk requirement until development in the area necessitates construction of an urban street section and sufficient ROW is dedicated along Dyess Avenue. The Rapid City Council has the authority to order in sidewalk at any time, should sidewalk in this area become necessary.

**Staff Recommendation: Staff recommends the request to waive the requirement to install sidewalk be approved with the requirement of recording a Waiver-of-Right-to-Protest (WORP).**



ENGINEERING  
 LANDSCAPE ARCHITECTURE  
 LAND PLANNING



**DREAM DESIGN**  
 INTERNATIONAL, INC.

CONSTRUCTION OBSERVATION  
 REAL ESTATE DEVELOPMENT  
 PROPERTY MANAGEMENT

Sept 20, 2012

Public Works Department  
 City of Rapid City  
 300 Sixth Street  
 Rapid City, SD 57701

**RECEIVED**

OCT 9 2012

RE: WL Plastic Facility Variance Request

**ENGINEERING  
 SERVICES**

Dear: Mr. Quiett

A variance to waive the requirement to install sidewalk per City of Rapid City Ordinance 12.16.080 is being requested for the WL Plastics property.

The effected property is a +/- 41.036 acre parcel legally described as the SW1/4 of the NW1/4 LESS the South 423' of the SW1/4 of the NW1/4, and the West 446.65' of the SE1/4 of the NW1/4, Section 21, T2N, R8E, Rapid City, Pennington County, South Dakota. The property is currently zoned light industrial. The construction of a 310' x 194' manufacturing facility is being proposed. The Variance Request is being requested based on the following information:

- The proposed sidewalk will not connect with sidewalks on either side of the property.
- There is currently very little to no pedestrian traffic that travels through the area. Property located north of the site is largely agricultural with very light density and property to the south is mostly industrial.
- Dyess Avenue is currently constructed as a section line highway with steep ditches and an elevated roadway. According to the City of Rapid City Dyess Ave. is a future arterial that will have a 100' ROW. If the sidewalk was built within the 66' section line ROW it would be located within the drainage ditch. If the sidewalk were built to accommodate the future arterial street it would require pedestrian access easements over existing utility easements and further it would be impractical to construct at this time as the future road grades are unknown.
- The property is zoned industrial.

528 KANSAS CITY STREET, SUITE 4 ♦ RAPID CITY, SOUTH DAKOTA 57701  
 PHONE: 605.348.0538 ♦ FAX: 605.348.0545 ♦ DREAMDESIGNINC.COM

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On behalf of the owners, DDI requests that the sidewalk variance be reviewed and granted.

We thank you for your help, and please contact us if you need any additional information.

Sincerely,

DREAM DESIGN INTERNATIONAL, INC.

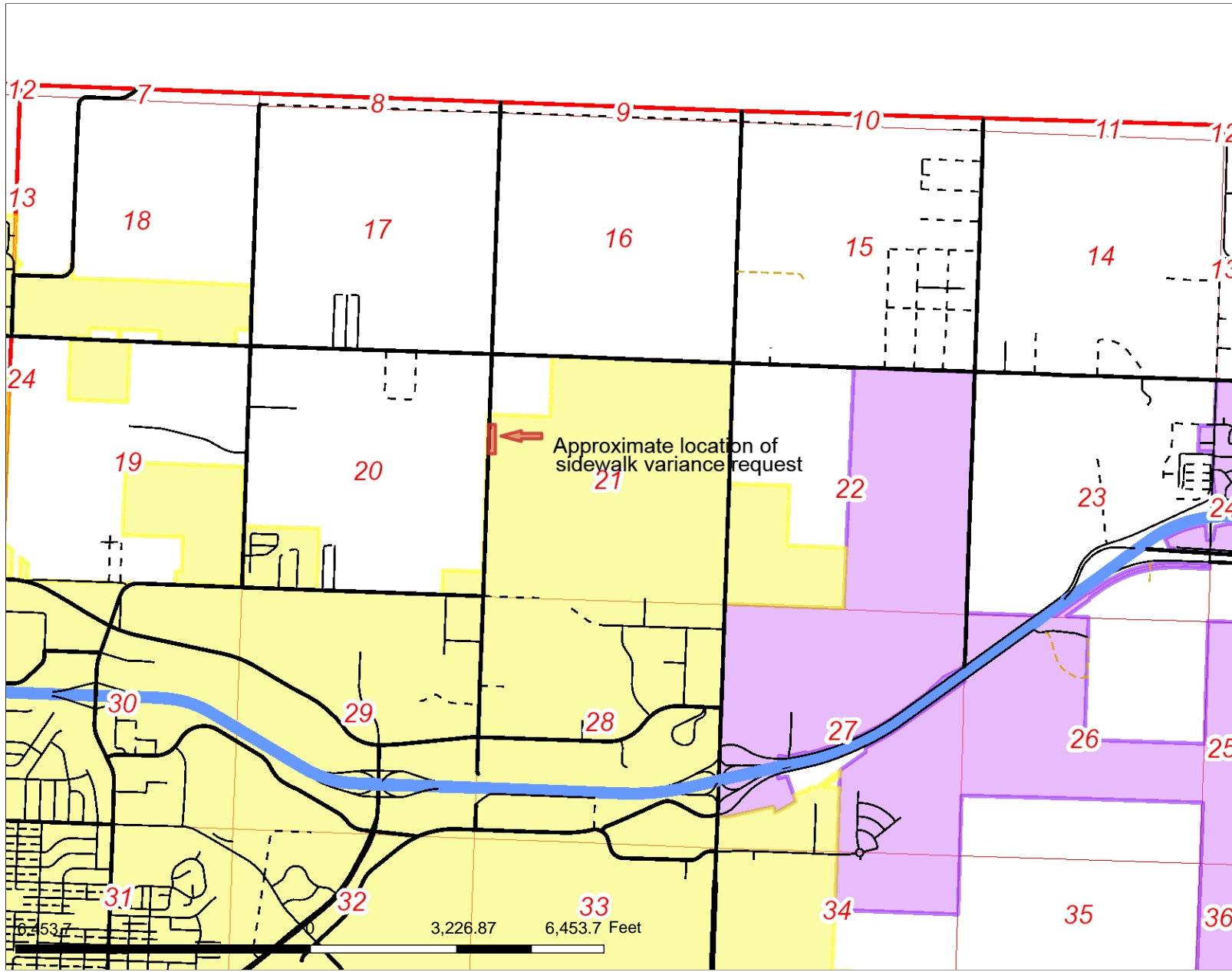
A handwritten signature in black ink, appearing to read "Ian Garduna". The signature is fluid and cursive, with a horizontal line extending from the end.

Ian Garduna, EIT

cc: Owner

## Legend

- 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
- PLSS Sections
  - Townships
  - County Line



Scale: 1: 38,722

### Map Notes:

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