



# 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: Nicole Lecy, Engineering Project Engineer

DATE: February 19, 2013

RE: Request to waive requirement to install sidewalk along an access easement per City Ordinance 12.08.060

4560 Cliff Drive and 4670 Cliff Drive  
Existing Lot AR of Lot 4R of Block 15 and Existing Lot 5R of Block 15,  
Canyon Lake Heights Subdivision, Section 8, T1N, R7E and Section 9, T1N,  
R7E, Rapid City, Pennington County, South Dakota.

A request was received in the Public Works Office on February 11, 2013 requesting the requirement to install sidewalk per City of Rapid City Ordinance 12.08.060 be waived. A 4 foot sidewalk is required to be constructed one foot from the edge of the access easement, 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 existing 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 an exception from the requirements of this section."*

Therefore, as allowed by ordinance, see the attached written request from the land owner to the Common Council. The requested variance will allow residential construction



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Appeal of Denied Exception  
Access Easement  
February 19, 2013  
Page 2

to occur on the referenced lots without the installation of sidewalk within the access easement.

The subject properties are located on the west side of Cliff Drive in the Canyon Lake Heights Subdivision. The access easement currently provides access to two residential lots. Based on a recently submitted layout plat application (City File #13PL005) the access easement is proposed to be used to provide access to three single family lots. The access easement currently contains a 12' wide rural pavement section with no curb and gutter. No single family residences within the Canyon Lake Heights Subdivision currently have sidewalk. There appears to be no City utilities or topographical conditions that would complicate installation of a 4 foot sidewalk one foot from the edge of the access easement.

This request is associated with a Layout Plan application to subdivide one residential lot into two residential lots, City File #13PL005.

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



**EQUAL OPPORTUNITY EMPLOYER**

February 8, 2013

Nicole Lecy  
City of Rapid City  
300 Sixth Street  
Rapid City, SD 57702

Dear Ms. Lecy,

We are writing this letter in response to the attached January 31, 2013 letter that approved and denied in part a request for certain exceptions relating to Layout Plan Application to subdivide Lot AR of Lot 4R of Block 15 and Lot 5R of Block 15 of Canyon Lake Heights Subdivision, Section 8, T1N, R7E, and Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota, City File #13EX006, Related Files #13PL005.

We respectfully request to be placed on the next Public Works Committee agenda to appeal to the City Council a portion of the exception that were denied in the January 31<sup>st</sup> letter. The following are the exceptions and responses:

1. Waiving the requirement to install sanitary sewer main within the access easement  
We accept.
2. Waiving the requirement to install additional pavement width within the access easement  
We request an appeal to the City Council to extend the pavement from 12' to 20'.
3. Waiving the requirement to install sidewalk within the access easement  
We request an appeal to the City Council to install sidewalk within the access easement.
4. Waiving the requirement to install additional easement width within the access easement  
We request an appeal to the City Council to install additional easement width to 50'.

Sincerely,

Matt Benne – Owner



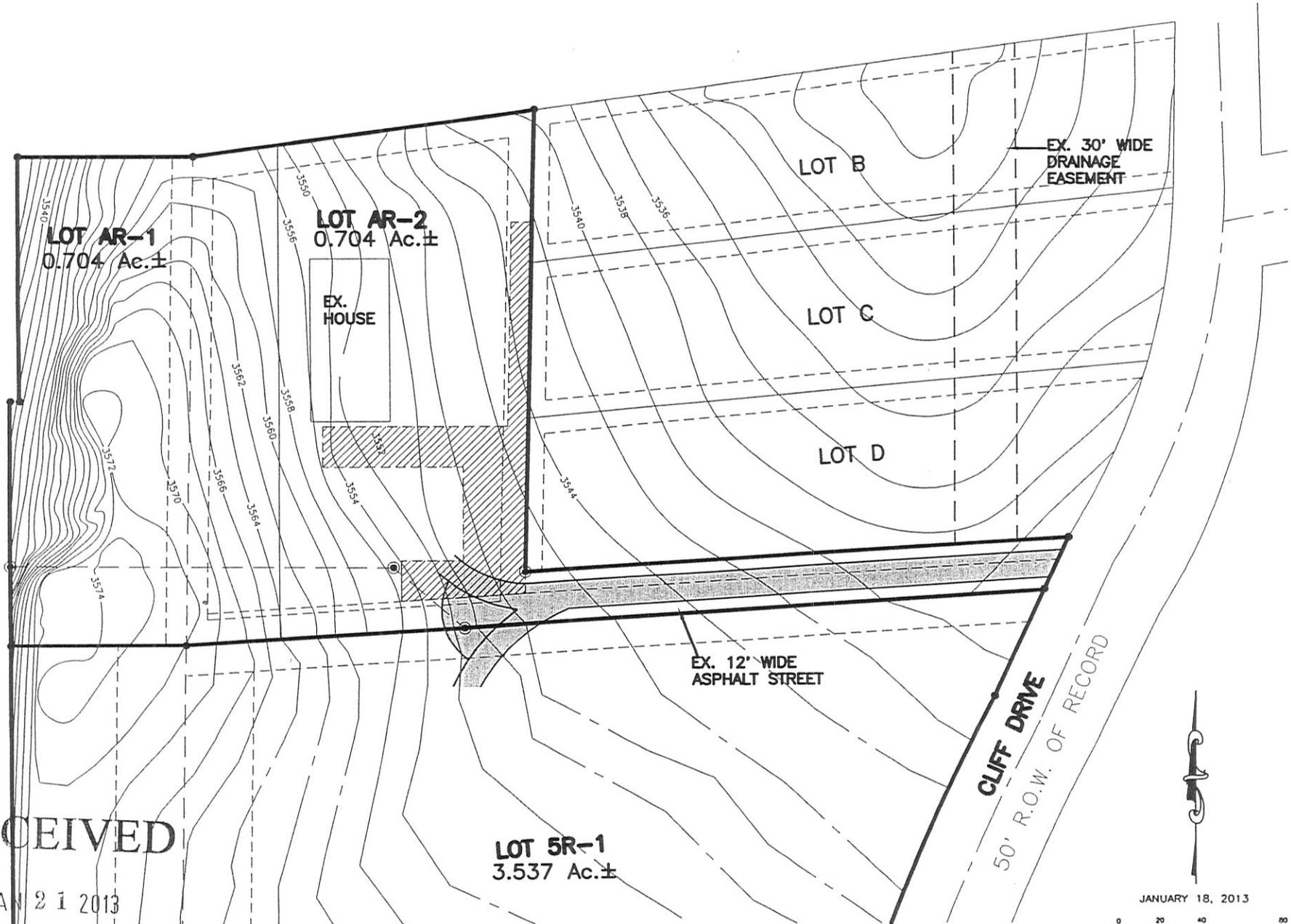
Brent Voorhees - Applicant



**RECEIVED**

FEB 11 2013

**ENGINEERING  
SERVICES**

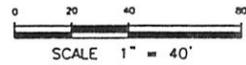


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JAN 21 2013

# STREET & DRAINAGE

JANUARY 18, 2013



RECEIVED

JAN 18 2013

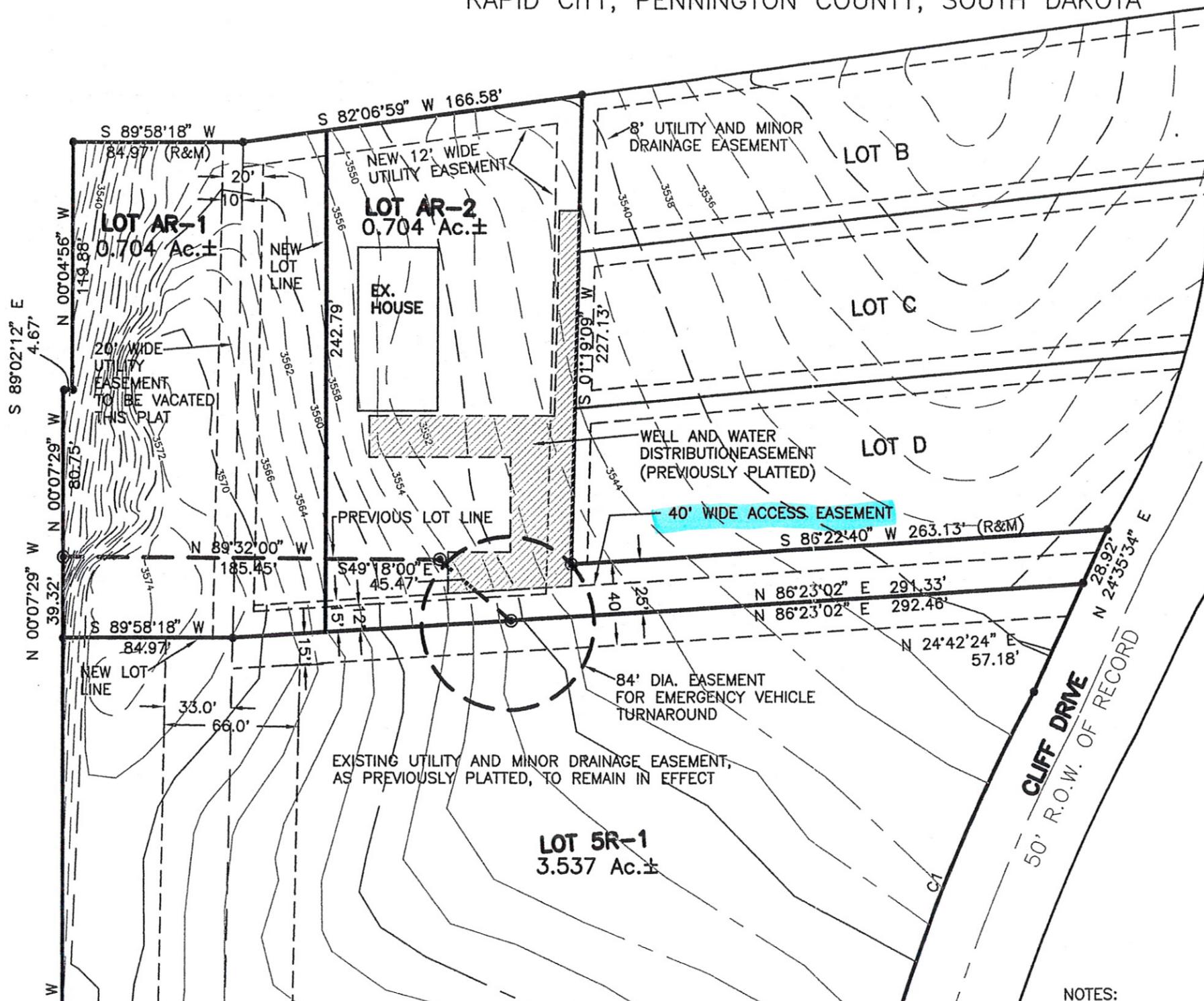
RAPID CITY COMMUNITY PLANNING  
& DEVELOPMENT SERVICES

(FORMERLY LOT AR OF LOT 4R OF BLOCK 15, AND LOT 5R OF BLOCK 15, CANYON LAKE HEIGHTS SUBDIVISION)

PLAT OF  
LOT AR-1 AND AR-2 OF LOT 4R OF BLOCK 15,  
AND LOT 5R-1 OF BLOCK 15,  
CANYON LAKE HEIGHTS SUBDIVISION,

LOCATED IN THE SE1/4 OF THE SE1/4, OF SECTION 8, T1N, R7E, B.H.M.,  
AND IN THE SW1/4 OF THE SW1/4, OF SECTION 9, T1N, R7E, B.H.M.,  
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

NAL Redlines  
1/23/2012



FARVIEW DRIVE

CLIFF DRIVE  
50' R.O.W. OF RECORD



JANUARY 3, 2013



NOTES:

## Legend

### Roads

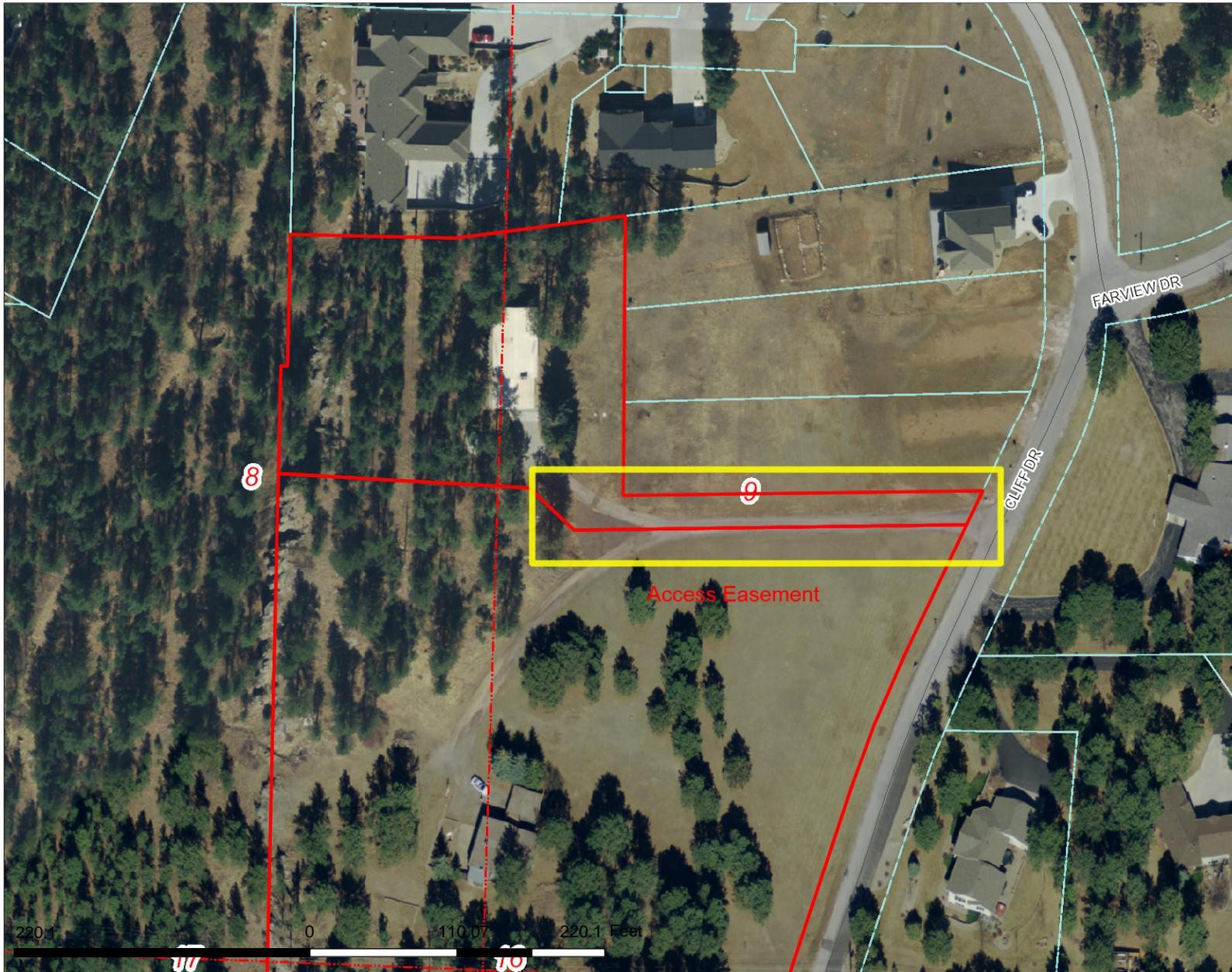
- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- FS Highway
- Driveway
- Paved Alley
- Unpaved Alley
- Unimproved road
- Trail
- Airport Runway
- Not yet coded

### Township/Section Lines

- 0
- 7

### Tax Parcels

- Lot Lines
- <Null>
- Lot Line
- Parcel Line
- County Line



Scale: 1: 1,321

## 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 documents 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.