



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department Engineering Services Division

300 Sixth Street

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TO: Public Works Committee

FROM: Brandon Quiett
Engineering Project Engineer

DATE: November 25, 2013

RE: Request to waive requirement to install sidewalk per City Ordinance 12.08.060
1511 Turbine Drive
Lot 1, Block 2, Rushmore Regional Industrial Park, T1N, R8E, BHM, Rapid City,
Pennington County, South Dakota

A request was received in the Public Works Office on November 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 warehouse expansion. A 5 foot wide sidewalk is required to be constructed one foot from the property line along Turbine Drive and Elk Vale Road 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..."

In addition 12.08.060(A)(5) states that sidewalk is required with a building expansion of 20 percent or more. Section 12.08.060(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 representative to the Common Council.

The subject property is on a corner located in the northwest quadrant of the intersection of Elk Vale Road and Turbine Drive. The property has approximately 581 feet of frontage along Turbine Drive. The topography is relatively flat. Turbine Drive is an industrial street with approximately 32 feet of pavement, curb and gutter, and 100 feet of right-of-way. No sidewalk currently exists in the entire Rushmore Regional Industrial Park.



EQUAL OPPORTUNITY EMPLOYER

Elk Vale Road is a high speed roadway with controlled access. This property has approximately 460 feet of frontage along Elk Vale Road. Elk Vale Road is under the jurisdiction of the SD DOT who does not desire pedestrian facilities with the ROW.

As no pedestrian facilities exist within Elk Vale right-of-way or the industrial park, nor are pedestrian facilities desired within Elk Vale Road, staff is recommending approval of this sidewalk variance along with authorization of the Mayor and Finance Officer to enter into a Waiver of Right to Protest with the landowner for future assessment of sidewalk.

Staff Recommendation: Staff recommends the request to waive the requirement to install sidewalk along Turbine Drive be approved with the stipulation of signing a Waiver of Right to Protest (WORP).

Staff recommends the request to waive the requirement to install sidewalk along Elk Vale Road be approved. A WORP for sidewalk will not be necessary along Elk Vale Road, as the SD DOT does not utilize the document.

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

