



# 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: November 19, 2013  
RE: Request to waive requirement to install sidewalk per City Ordinance 12.08.060  
1401 Omaha Street  
Lot 1-5 and adjacent Vacated Alleys Less a 20' x 35' Tract in the NW Corner of Said Lot 1, Block 18, Gateway Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

A request was received in the Public Works Department on November 19, 2013 requesting the requirement to install sidewalk per City of Rapid City Code Ordinances 12.08.060 be waived. This request is associated with a building permit for parking lot. A 5 foot wide sidewalk is required to be constructed one foot from the property line along Omaha Street and Canal Street.

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:

*"All property with existing development on the effective date of these regulations which is not in compliance with the provisions of these regulations shall be considered nonconforming and allowed to continue until such time as a building permit is granted to enlarge by 20% or more a structure or parking lot..."*

Per Section 12.08.060(C):

*"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.



EQUAL OPPORTUNITY EMPLOYER

The subject property is on a corner located in the Southeast quadrant of the intersection of Omaha Street and Canal Street. The site topography is relatively flat.

**Omaha Street** - The property has approximately 117 feet of frontage along Omaha Street. Omaha street is a South Dakota DOT roadway, and the state plans to reconstruct Omaha Street at the location of this property in 2016. Sidewalk along this property will be part of the DOT's project (see attached). Staff is in support of waiving the requirement to install sidewalk along Omaha Street, as it would be immediately removed and replaced with the SD DOT project if installed at this time.

**Canal Street** – The property has approximately 127 feet of frontage along Canal Street. Canal Street is a City street with 66' of ROW, 26' of pavement, and curb & Gutter. Property line sidewalk exists on the property to the south. The applicant is concerned with the connection to the future Omaha Street sidewalk and is requesting to waive the requirement for installation of the Canal Street sidewalk until after the DOT project is complete. Staff believes that the Canal Street sidewalk can be constructed to either the southern boundary of the MDU lot or to the beginning of the curb radius at Omaha Street without risk of significant impact from the future DOT project.

**Staff Recommendation:** Staff recommends the request to waive the requirement to install sidewalk along Omaha Street be approved, and the request to waive the requirement to install sidewalk along Canal Street be denied.

