April 14, 2017

Mayor Allender and Members of the Common Council
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

RE: Variance From The Requirement to Install Sidewalks

Lot 3 of Madison Subdivision (aka North Haines Avenue)
Owner – Muth Holdings, LLC (Joe and Jeremy Muth)
joemuth@rapidnet.com and jeremymuth@live.com

Mayor Allender and Council Members:

On behalf of owners and developers Joe and Jeremy Muth we are submitting this Variance request to waive the requirement to install sidewalks on the west side of Haines Avenue as it abuts their proposed development.

The project consists of four residential 12-plex units to be located on a 2.42 acre parcel on the west side of Haines Avenue – north of Auburn Drive and south of Cobalt Drive.

At this location, the adjoining Haines Avenue right-of-way is outside of the municipal limits of the City of Rapid City and under the jurisdiction of Pennington County.

The existing right-of-way is 100’ wide and consists of 24’ wide asphalt driving lane, 13’ wide gravel shoulders on each side and then roughly 25’ wide ditch sections on each side. The depth of the ditch at this location varies between 4’ and 6’. We are including a site plan showing the existing road and contour information as well as portions of the proposed improvements, and a Profile Cross-Section which demonstrates the standard sidewalk location in relation to the ditch, shoulder, driving surface, and drainage improvements.

The standard location for sidewalk is “property line sidewalk” which is typically located 1’ from the property line. The cross sections demonstrate that in this instance a property line sidewalk would be located at the bottom of the ditch and which would create an unsafe pedestrian condition. The sidewalk will be inundated during storm events as the ditch carries drainage and runoff from the roadway and adjoining developments. Additionally at the location of Section 2, there is an existing 30” reinforced concrete pipe (RCP) that carries the drainage easterly under Haines Avenue. The sidewalk would be directly in the path of this drainage element. In the winter, the ditches would typically fill with snow which would make use and maintenance
difficult, and there is no physical barrier (curb, etc.) that would protect pedestrians and control traffic in the event of a vehicle leaving the road and entering the ditch. Due to the depth of the ditch section, it would be difficult to see pedestrians using the sidewalk. And lastly, the nearest connecting sidewalks are 820+ feet north at Cobalt Drive and 770+ feet south at Auburn Drive.

The other option would be placement of the sidewalk at a non-standard location up from the ditch section (what would typically be referred to as curb-side sidewalk). Unfortunately, and as mentioned previously, there is no curb along this portion of Haines Avenue. The absence of curb would create a hazardous condition for pedestrians as there would be no barrier to separate vehicles and pedestrians.

Until the County might choose to re-construct Haines Avenue with more typical urban improvements (piped storm sewer, curbing, etc.) neither of the possible locations for sidewalk would be safe or desirable at this time and location.

This variance request is submitted as allowed for by Section 12.08.060C of the Rapid City Municipal Code.

Sincerely,
FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.

Janelle L. Finck
President

jlf
encl
Rapid City-Pennington County
Parcel Report

Parcel Information

Parcel ID: 2013326001  Tax ID: 5527

Property Address:

Legal: LOT 3

Block: Subdivision: MADISON SUBD

Section: 13 Township: 2 N Range: 07 E

Acres: 2.42

Owner Last Name: MUTH HOLDINGS LLC

First Owner:

Second Owner:

Mailing Address: 2700 W MAIN ST

Mailing City: RAPID CITY State: SD Zip Code: 57702-8126

Land Value: 56900

Non-ag Structure Value: 0 Ag Structure Value: 0

Total Value: 56900

Land Use Code: N Land Type Code: D

Commercial Use Code: Improvements Code: 0

Subdivision Code: 3580 Fire Department: RC

Ambulance District:

Civil District: Rapid City Road District:

Sanitary Sewer District:

Deed Filing Date (mm/dd/yy): 12/16/16 Fire District:

Deed Book: Deed Page:

Deed Document Number: 201617707

Water District: West Dakota Water District

Deed Type: WD

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