

**MINUTES
BOARD OF DEVELOPMENT APPEALS AND REVIEW**

3/12/08

Attendance: Bob Brandt, Rich Huffman, John Herr, and Gary Renner. Absent: Lloyd LaCroix, John Brewer, and Bob DeMersseman.

City staff present was as follows: Assistant City Attorney Kevin Lewis, Assistant City Attorney Mike Schad, Growth Management Director Marcia Elkins, Planner III Vicki Fisher, Development Service Coordinator Bob Dominicak, Engineering Project Manager Mary Bosworth, Code Enforcement Officer Jim Martz, Building Official Brad Solon, Traffic Engineer John Less, and Legal/Administrative Assistant Maggie Paul.

Chairman Bob Brandt called the meeting to order.

APPROVE MINUTES OF PREVIOUS MEETING

Huffman moved to approve the minutes of the February 11, 2008, meeting. Second by Herr. Motion carried.

SET MEETING AGENDA

Huffman moved to approve the agenda. Second by Herr. Motion carried.

HEAR REQUEST FROM MERLIN STROMER TO CONSIDER AN EXCEPTION TO ALLOW ACCESS TO A HIGHER ORDER STREET ON LOT B, BAR P-S SUBDIVISION, RAPID CITY, SOUTH DAKOTA, AND MAKE A RECOMMENDATION TO THE CITY COUNCIL.

Elkins told the Committee that the City Council has referred this item to this Board for review and recommendation. Dominicak said this request comes from Merlin Stromer to allow access on the higher traveled street frontage for the referenced property located at the northeast intersection of South Dakota Highway 44 and Airport Road. He noted that City regulations state that access will be permitted only on the less traveled street frontage. Dominicak explained that the proposed development site has street frontage on Highway 44, Airport Road, and Aviation Road, noting that Highway 44 is classified as a principal arterial street, Airport Road is classified as a minor arterial street, and Aviation Road is classified as a commercial street. Dominicak stated that the applicant has indicated that the South Dakota Department of Transportation has agreed to an access point on Highway 44. He said that staff recommends denial of the request to allow access to the higher traveled street frontage. In response to a question from Brandt, Dominicak explained that at this time, the lesser street (Aviation Road) does not meet the City specifications. Ron Davis of Davis Engineering handed out a copy of the master plan. Elkins indicated that this is not the plan that has been submitted to the City as part of this request. Merlin Stromer, the owner of the property,

said he does not want to give up his access to Highway 44. He said the property is going to be split into a 20 acre parcel that will be used for an auto auction business and 30 acres that will be developed in the future. He said he feels the property would lose value by not having access off Highway 44. He said once the 30 acres is sold and developed, he should have enough money to improve Aviation Road. Brandt asked if there have been other instances where the City has allowed people to take access off a main road for commercial purposes. Elkins said there have been some exceptions, but typically in locations where existing approaches and developments had previously taken access. Brandt said he can appreciate the value of access off Highway 44. He said it would be easier to rationalize if there was a plan in place to show how it will tie into Aviation Road. Stromer indicated that the State is building the access off of Highway 44, and the plans show that the access will be a 40 foot access. Brandt said if the State approves access off of Highway 44, then he would tend to agree with the State. Renner said the unknown is how many businesses will be on the additional 30 acres and who will be using that driveway, but he said the City will have control over that through the platting process. Herr moved to recommend approval of access off Highway 44. Second by Renner. Motion carried.

ACTING AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF APPEALS BOARD:

HEAR APPEAL OF GREG NIELSEN ON BEHALF OF HERB AND DORY NIELSEN REGARDING RETAINING WALL AT 120 CLEVELAND STREET.

Building Official Brad Solon said Code Enforcement sent out a letter in January of 2008 to Herb and Dory Nielsen regarding a complaint the City received regarding a retaining wall at 120 Cleveland Street. Solon noted that the Nielsens are out of the area at the present time. He explained that the violation notice required corrective action be taken to repair or replace the deficient retaining wall by March 12, 2008. Solon introduced their son, Greg, who has come to the Board to request an extension of time to correct the problems with the retaining wall. Greg Nielsen said his parents are considering removing the existing wall and replacing it with a terraced retaining wall. He said they bought the property knowing the wall was failing. He explained that they do not have the money to hire a contractor to build it. He is requesting an extension to mid May to get the work completed. Huffman moved to continue this item for 75 days in order to give the owners more time to complete the work and requested that the owners submit some sort of plan to the City showing what their intent is for completing the work. Second by Herr. Motion carried.

The meeting adjourned at 7:40 a.m.