

No. PW120808-05 – Motion was made by Hadcock, seconded by Costello to approve Change Order No. 1F for Cross Street Railroad Crossing, to Simon Contractors of SD, Inc., Project No. RR06-1540, CIP No. 50172, for a decrease of \$1,794.19. Motion carried unanimously. *On Consent Calendar*

No. PW120808-06 – Motion was made by Costello, seconded by Hadcock to approve Change Order No. 1F for East Saint Joseph Street Turn Lane - East Saint Joseph Street and East Saint Charles Street Intersection, to Hills Materials, Project No. ST07-1660, CIP No. 50699, for an increase of \$343.92. Motion carried unanimously. *On Consent Calendar*

40 Unit Rule Review – Elkins provided information regarding the 40 unit rule which came forward due to a discussion about the Chapel Valley area and how the rule applies to commercial property. The current regulation applies only to residential dwelling units and the possibility of extending it to commercial uses, specifically assisted living and hotel/motel units, was reviewed. Growth management staff met extensively with the fire department, police department, and public works department discussing many options which were presented to the committee. Option 1 is a restatement of the current requirements as outlined in the International Fire Code and amended by the Street Design Criteria Manual. Option 2 is a strict application of the International Fire Code with no revisions and reduces the number of residential dwelling units to 30 with only one way in and one way out. Option 3 is a blend of Option 1 and 2 and references some of the overnight occupancies and would allow more hotel/motel units with a single point of access as they are typically sprinkled buildings and are treated differently. Option 4 moves the single family, multi-family, retirement, and hotel/motel units all into the same category and treats them as 40 dwelling units. It was the group recommendation to continue with the existing policy and not implement any changes.

Elkins reported that staff looked at many factors including trip rates, traffic flow, level of service for intersections, safety, emergency response, convenience, etc. Getting people safely out of a residential area and emergency equipment in is one reason why more than one approach is required in an area. The International Fire Code defines accesses differently for commercial and residential dwellings. For residential, it requires two access points and two directions; for commercial, it allows both accesses to be on one street as access would likely be from a parking lot. Defending a building and getting people out of it safely is handled differently for a single family residence than it is for a more transient population in a hotel/motel property.

From the fire department, Behlings reported that the current mechanism is working well. The difference between the International Fire Code and the Fire Code utilized by Rapid City is that the International Code further breaks down commercial occupancies and provides for much larger numbers of residential type units, such as apartment buildings, hotel/motel type occupancies, etc. In response to Hadcock's question on flat area accesses, Behlings stated the access points must be negotiable with a vehicle and all weather type surfaces must be considered. He explained the difference between single family dwellings and commercial operations in an emergency situation. Most single family dwellings are located fairly close to the street and so fire department or emergency operations occur in the street itself, plugging up the street and access. For commercial properties, operations are typically out of parking areas so public way is not obstructed.

Hadcock questioned whether the 40 unit rule would be shut down if the residential units were sprinkled. Behlings stated the fire department always supports fire sprinkler installations, even with single family dwellings and there are some provisions in the code that address it. Almost all commercial occupancies will be fire sprinkler protected. Option 1 does not specifically identify that in a single family residence. Fire Chief Rohlfing pointed out that in Option 2, the Fire Code allows one access for up to 200 residential units that are sprinkled; however, it is not currently a part of the code followed in Rapid City.

Lt. Johns from the police department stated they work closely with fire department and the police department does not have any regulations or guidelines for how many dwellings should be in a certain area. He indicated that from a police perspective, it is a matter of emergency management and controlling people's behavior. If there is more than one access, each must be controlled by the police in an emergency. He said the department supports the fire and staff recommendation on this matter.

Alderperson Gundersen-Olson informed the committee that the residents of Springbrook Acres previously opposed two accesses mainly due to their private road system. When the issue later came up, there was a lot of neighborhood discussion and providing good emergency care and speediness of emergency care was addressed so another access was made. With Copper Oaks, there were some issues with the 40 Unit Rule and discussion was held on negotiating flat areas. She pointed out that in our four season climate, flat areas are not always easily traversable due to heavy snows and drifting. She asked that this be considered as the matter moves forward.

Bob Knecht, Rapid City, asked the committee to consider the cost versus benefit and the real need of more than one access. He stated he started the development on Chapel Lane about 40 years ago. There is only one access and if you look at the terrain, there would be an extreme amount of expense involved. He requested having a way for developers to look at how these developments can be done where limited access is involved. He stated there will be more of these types of areas as development continues to grow to the west.

Hadcock stated that it might not be a safety or health factor involved, but one more of inconvenience. Elkins referenced two fires in the Springbrook Acres area where emergency equipment blocked the access in and out of the area. It was very inconvenient for residents to get in and out of that area. Hadcock suggested sending this matter to the Council without recommendation for consideration by the entire Council. Elkins recommended further public comment and discussion with the Planning Commission prior to a decision by Council.

Motion was made by Hadcock, seconded by Costello to forward to Council with the recommendation to go to the Planning Commission for further public input and report back to Public Works Committee. Okrepkie expressed concern about forwarding to Council without a recommendation and requested more time to review the options. Substitute motion was made by Okrepkie to continue the item and have the Planning Commission review it and bring forth a recommendation. He withdrew the motion as a matter of order as referring to the Planning Commission must be done by the Council. Motion carried unanimously. *On Consent Calendar*