

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
April 25, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop, Steve Rolinger, Tim R. Rose, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Andrew Scull, Sandra Beshara.

STAFF PRESENT: Vicki Fisher, Robert Laroco, Patsy Horton, Ted Johnson, Carla Cushman and Andrea Wolff.

Marchand called the meeting to order at 7:00 a.m.

**Marchand reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Staff requested that Item 7 be removed from the Consent Agenda for separate consideration.**

**Marchand requested that Items 3 be removed from the Consent Agenda for separate consideration.**

**Motion by Rose seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Items 3, and. (8 to 0 with Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the April 4, 2013 Planning Commission Meeting Minutes.

\*2. No. 13PD009 - Rushmore Crossing

A request by Renner and Associates, LLC for Midland Atlantic to consider an application for a **Final Planned Development** for Lot 6 of Block 3 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1734 Eglin Street.

**Planning Commission approved the Final Planned Development with the following stipulations:**

1. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An air quality permit shall be obtained for any surface disturbance greater than one acre;**
3. **Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval;**

4. Prior to issuance of a building permit, the applicant shall submit a maintenance agreement or other documentation identifying the parties responsible for the perpetual maintenance of the on-site Aqua Swirl Stormwater Treatment System and two storm water energy dissipaters;
5. Prior to issuance of a Certificate of Occupancy the applicant shall execute a water valve access agreement to allow access to the on-site water shut-off valve;
6. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
7. Prior to issuance of a Certificate of Occupancy, the sanitary sewer service line proposed for the property shall be installed in accordance with the Rapid City Infrastructure Design Criteria Manual and the Building Code;
8. A minimum of 63 parking spaces shall be provided as shown on the submitted plans dated March 27, 2013. An additional 7 parking spaces shall be provided for the proposed drive through window. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
9. A minimum of 44,132 points of landscaping shall be provided as shown on the submitted plans dated March 27, 2013. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
10. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-ways and not be a hazard to the passing motorist or constitute a nuisance of any kind;
11. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
12. All applicable provisions of the International Fire Code shall be maintained;
13. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
14. This Final Planned Development shall allow for development of a strip mall to include restaurant and retail space. All permitted uses in the General Commercial District shall be permitted. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning &***

***Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

4. No. 13CA005 - Section 27, T1N, R7E

**Summary of Adoption Action** for a request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for a portion of Lot A of the SE1/4SW1/4 of Section 27, T1N, R7E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as: commencing from a found 5/8" rebar with aluminum cap marked "FMG Inc. LS SD 6119" monumenting the W1/16th corner of Section 27, T1N, R7E, BHM also being the southwest corner of said lot and being the true point of beginning; thence, N02°05'38"E along the west line of said property, a distance of 270.51 feet to a found 1/2" iron pin marking the northwest corner of said lot; thence, S88°07'53"E along the north line of said lot, a distance of 524.26 feet to a point of deflection; thence, S19°56'15"E, a distance of 291.45 feet to a point of deflection on the south line of said lot; thence, N88°07'53"W along the south line of said lot, a distance of 316.84 feet to a found 5/8" rebar with plastic cap marked "Renner LS 2652"; thence, N88°07'53"W along the south line of said lot, a distance of 316.75 feet to the true point of beginning, more generally described as being located west of South U.S. Highway 16 and south of Catron Boulevard.

**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**

5. No. 13PL028 - Village on the Green No. 2 Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Randall Long and Jan Lochridge-Long to consider an application for a **Preliminary Subdivision Plan** for Proposed Lots 44AR and 44BR of Village on the Green No. 2 Subdivision, legally described as Lot 44 of Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Mulligan Mile between US Highway 16 and US Highway 79.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved.**

6. No. 13RZ006 - Gateway Subdivision

A request by Bradley H. Estes for M Hill Business Plaza, LLC to consider an application for a **Rezoning from Light Industrial District to General Commercial District** for the 147 foot square parcel in the SE corner of block 18 of Gateway Subdivision and the 3 feet by 147 feet vacated Omaha Street abutting the north side, and Lots 1 thru 5 and adjacent vacated alleys less a 20 feet by 35 feet Tract in the NW corner of said Lot 1 of Block 18 of Gateway Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 West Omaha Street.

**Planning Commission recommended that the Rezoning from Light**

**Industrial District to General Commercial District be approved.**

8. No. 13PL029 - Murphy Ranch Estates

A request by Davis Engineering, Inc. for the Estate of Arlene Murphy, Dennis Murphy, personal representative to consider an application for a **Preliminary Subdivision Plan** for Proposed Tract A of Murphy Ranch Estates Subdivision, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Longview Road between Reservoir Road and Remington Road.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Upon submittal of a Development Engineering Plan application, a revised Master Plan shall be submitted for review and approval. The Master Plan shall include future development and phasing plans for the entire parcel;**
2. **Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual must be submitted for review and approval. In particular, the drainage plan shall include the entire parcel;**
3. **Further platting of the property shall require that right-of-way be dedicated and streets be constructed in compliance with the applicant's master plan;**
4. **Upon submittal of a Final Plat application, a revised plat document shall be submitted clarifying the existing and proposed right-of-way along Longview Road, and;**
5. **Prior to approval of a Final Plat, all outstanding subdivision improvements for previous phases of the Murphy Ranch Estates Subdivision shall be completed.**

9. No. 13OA001 - Ordinance Repealing Section 17.50.340 Gasoline Service Stations of the Rapid City Municipal Code

A request by the City of Rapid City to consider an application for an **Ordinance Repealing Section 17.50.340 Gasoline Service Stations of the Rapid City Municipal Code**.

**Planning Commission recommended that the Ordinance Repealing Section 17.50.340 Gasoline Service Stations of Rapid City Municipal Code be approved.**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

3. No. 13CA004 - Sections 26 and 35, T1N, R7E

**Summary of Adoption Action** for a request by Dream Design International, Inc. to consider an application for an **Amendment to Comprehensive Plan to revise the Major Street Plan** for the unplatted balance of the S1/2 of the SE1/4 of the

NW1/4, the unplatted balance of the NE1/4 of the SW1/4, Lot B of the SW1/4 of the SW1/4 less the right-of-way, the SE1/4 of the SW1/4 all located in Section 26, T1N, R7E; and, the NW1/4 of the NW1/4 less Lot H1 and less right-of-way, the NE1/4 of the NW1/4, the SW1/4 of the NW1/4 less Lot H1 and less Lot H2, the SE1/4 of the NW1/4, the N1/2 of the N1/2 of the N1/2 of the N1/2 of the W1/2 of the SW1/4 and the NE1/4 of the SW1/4, all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of South Highway 16, more generally described as being located south of Catron Boulevard and east of South Highway 16.

Braun stated that he would be abstaining due to a conflict of interest.

Beatty entered the meeting at this time.

**Rolinger moved, Rose seconded and carried to approve the summary and authorized publication in the Rapid City Journal. (8 to 0 with Beatty, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)**

\*7. No. 13PD010 - Rushmore Crossing

A request by Renner and Associates, LLC for Midland Atlantic to consider an application for a **Final Planned Development** for Lot 3 of Block 2 of Rushmore Crossing, located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1021 Eglin Street

Laroco presented the application and reviewed the slides. Laroco noted that this item was placed on the non-consent agenda to address the revised parking stipulation. Laroco stated that that an error in a mathematical calculation in determining parking requirements was discovered which reduced the required parking spaces and handicap spaces.

**Swank moved, Rose seconded and unanimously carried to approve the Final Planned Development with the following stipulations:**

- 1. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An air quality permit shall be obtained for any surface disturbance greater than one acre;**
- 3. Prior to issuance of a building permit, all redlined comments shall be addressed and all redlined plans shall returned to Community Planning and Development Services;**
- 4. Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval;**
- 5. Prior to City acceptance of all public utility improvements, a utility easement shall be recorded with the Register of Deeds. A copy of the recorded easement shall be submitted for review;**
- 6. Prior to issuance of a Certificate of Occupancy the applicant shall**

- execute a water valve access agreement to allow access to the on-site shut-off valve. A copy of the agreement shall be submitted to Community Planning and Development Services;
7. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
  8. A minimum of 72 parking spaces shall be provided. A minimum of 3 of the provided off-street parking spaces shall be handicap accessible with 1 of the handicap accessible parking spaces being van accessible. All parking shall comply with the approved site plan and the requirements of the Rapid City Parking Ordinance;
  9. A minimum of 57,160 points of landscaping shall be provided. All landscaping shall be installed and maintained as shown on the approved site plan. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
  10. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
  11. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
  12. All applicable provisions of the International Fire Code shall be maintained;
  13. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
  14. This Final Planned Development shall allow for development of a retail store. All permitted uses in the General Commercial District shall be permitted. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

Horton requested that items # 10 and #11 be heard concurrently:

10. No. 13TI002 - East Minnesota Street  
A request by Dream Design International, Inc. for Dennis Zandstra Real Estate



Holdings, LLC to consider an application for a **Resolution Creating Tax Increment District #74** for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all Located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.

11. No. 13TI003 - East Minnesota Street

A request by Dream Design International, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Tax Increment #74 Project Plan** for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all Located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City,

Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.

Horton stated that these items had been placed on the non-consent agenda to allow Planning Commissioner Braun to abstain as he has a business association with the applicant. Horton presented staff's recommendation to continue the **Resolution Creating Tax Increment District #74** and the **Tax Increment #74 Project Plan** to the May 9, 2013 Planning Commission meeting at the applicants request.

**Rolinger moved, Rose seconded and unanimously carried to continue the Resolution Creating Tax Increment District #74 (13TI002) and the Project Plan for Tax Increment District #74 (13TI003) to the May 9, 2013 Planning Commission meeting at the applicant's request. (8 to 0 with Beatty, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)**

12. No. 13PL030 - Discovery Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for Proposed Lots 2 thru 12 of Discovery Subdivision, legally described as Tract 3, less Lot 1 of Discovery Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the corner of East Mall Drive and North Elk Vale Road.

Fisher presented the application and reviewed the slides. Fisher noted that staff is working with the applicant to maintain the access road that runs through the property to the Visitor Information Center that is located just outside the Planned Development, to ensure that the applicant maintain the drainage retention that is located within the Planned Development and to obtain owner signature for inclusion of Lot 1 or exclude it from future phases.

Additionally, Fisher noted that due to platting of the Visitor Information Center, the Visitor Information Center sign is currently an off premise sign, but that the intention is to move the sign to a more desirable location. Fisher noted that this application has been placed on the non-consent agenda to allow Planning Commissioner Braun to abstain due to his business association with Dream Design International, Inc. Fisher presented staff's recommendation to approve the **Preliminary Subdivision Plan** with stipulations.

In response to a question from Popp regarding the impact this may have on the Visitor Information Center, Fisher stated that the anticipated information signs should actually improve direction to the Visitor Information Center. Discussion followed.



Fisher confirmed that the area remains a General Commercial Zoning District and other than the portion on which the Visitor Information Center is located, the property is located in a Planned Development and will come before the Planning Commission for approval as the development moves forward.

**Rolinger moved, Rose seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to exclude Lot 1 or the Development Engineering Plan application shall include the legal description for Lot 1 and include the necessary property owner signatures;**
- 2. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
- 3. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;**
- 4. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study, signed and sealed by a Professional Engineer, addressing full build-out of the 28 acre commercial development shall be submitted for review and approval pursuant to Section 2.17 of the Infrastructure Design Criteria Manual. In addition, construction plans addressing any improvements needed as per the Traffic Impact Study shall be submitted for review and approval;**
- 5. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the construction of a water main along the east side of the right-of-way and with curb, gutter and sidewalk or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 6. Upon submittal of a Development Engineering Plan application, the construction plans for proposed Taggart Road shall be revised to show a full width pavement section and sidewalk(s) constructed to the west lot line or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 7. Upon submittal of a Development Engineering Plan application, turning radius information shall be submitted for review and approval to ensure that recreational vehicle and bus turning movements can be**

accommodated from the south approach along Lot 1, Discovery Subdivision onto Taggart Road. In addition, the Taggart Road construction plans shall be revised as needed to accommodate the turning movements;

8. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show "Taggart Road" as "Discovery Circle";
9. Upon submittal of a Development Engineering Plan application, construction plans for the "Permanent Access Easement" shall be submitted for review and approval. In particular, the construction plans shall show the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the "Permanent Access Easement" shall be vacated;
10. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that parking and access to the Visitor Information Center is being provided pursuant to the "Agreement between the City of Rapid City and Cabela's Wholesale, Inc. Regarding Parking and Access at the Visitor Information Center";
11. Upon submittal of a Development Engineering Plan application, the plat document shall be revised dedicating sanitary sewer force main easements as per the redlined documents;
12. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Storm Water Quality Manual shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
13. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval;
14. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;
15. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
16. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate in a form acceptable by the City Attorney's Office that access to the City's Visitor Information Center is being maintained during the construction of the subdivision improvements;
17. Upon submittal of a Development Engineering Plan application, agreements securing maintenance and ownership of the detention ponds located on proposed Lots 8, 11 and 12 shall be submitted for review and approval. Prior to submittal of a Final Plat application, the approved agreement(s) shall be recorded at the Register of Deeds'

**Office and a copy of the recorded agreement(s) shall be submitted with the Final Plat application;**

- 18. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
  - 19. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
  - 20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (8 to 0 with Beatty, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)**
13. Discussion Items  
Horton stated they will be having workshops on the Comprehensive Plan and that invitations will be sent to both the Planning Commissions and City Council to allow for joint working sessions. The workshops will be May 14 and May 15, from 10:00 a.m. to 12:15 pm.
14. Staff Items  
None
15. Planning Commission Items  
None
16. Committee Reports  
None

**There being no further business the meeting was adjourned at 7:15 a.m.**