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MAY 17, 2010

FEB 25 2011

made by Olson, second by Waugh and carried to acknowledge the applicant's request to withdraw the application.

Rapid City Growth
Management Department

NON-CONSENT PUBLIC HEARING ITEMS – Items 255 – 262

The Mayor presented (No. 09PD096) An **Appeal of the Planning Commission's decision** on a request by FourFront Design, Inc. for Eagle Ridge Properties, LLC for a **Major Amendment to a Planned Residential Development** on Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 121 Stumer Road. Motion was made by Olson, second by Waugh, to approve with the following stipulations: 1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer. The red lined drawings shall also be returned to the Growth Management Office; 2. Prior to Planning Commission approval, a Fence Height Exception shall be obtained to allow a 6 foot high fence in lieu of a 4 foot high fence in the front yard as it abuts Stumer Road or the fence shall not exceed four feet within the front yard as it abuts Stumer. In addition, the fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan; 3. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. The applicant also has the option of placing the evergreen trees along the west lot line on the adjacent property with the adjacent property owner's concurrence. The landscaping placed on the adjacent property shall count towards the landscaping requirements for this project; however, the applicant is not required to provide maintenance of the landscaping placed on the adjacent property. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development; 4. Construction of the fence shall begin within one week and shall be completed within 30 days of issuance of a building permit. In addition, all landscaping located along the west lot line shall be planted within 90 days of issuance of a building permit; 5. The retaining wall(s) shall be constructed in compliance with the approved design plans. In addition, the wall(s) shall be constructed at the start of construction for Phase Two; 6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; 7. Sediment and erosion control measures shall be continually maintained to preclude sediment from depositing onto the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures shall be maintained along the berm located along Catron Boulevard; 8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 9. The proposed apartment buildings shall not exceed 38 feet, 9 3/8 inches in height as per the previously approved Exception request; 10. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment; 11. The dumpster(s) shall be screened on all four sides with an opaque screening fence; 12. A minimum of 231 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met; 13. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered; 14. A storm water discharge permit shall be obtained as needed; 15. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed; 16. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and, 17. The Planned Residential Development shall allow for the construction

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of a 154 unit apartment complex with a leasing/administration office, tot lots and accessory garages on the property. The time to complete the Planned Residential Development shall be extended two years from the date of approval by the Planning Commission. However, the Planned Residential Development shall expire if the use is not undertaken and completed within the two years or if the use as approved has ceased for two years. Responding to Kooiker, Elkins confirmed surety could be required as a condition of approval, but she is unable to think of another instance when it was required. Responding to Kooiker, Drew said their property manager addresses issues related to drug use on the premises. He said they may be given a warning but can be evicted. When asked if he would support surety, Drew said they provided small surety for phase one already, but he would support it.

Amendment motion was made by Kooiker, second by Martinson, to add stipulation 18 that prior to issuance of a building permit a surety bond is submitted to ensure installation of landscaping by October 1, 2010 and the cost of erosion control is included in the surety. It was clarified that the motion is to post surety for the landscaping requirements for phase two including the retaining wall, and the landscaping will not be installed in the construction area. Hadcock said it sounds good but it will not work in the end. Responding to Costello, Elkins said there is continuing obligation for erosion and sediment control. Amendment motion carried.

Responding to Olson, Drew said that the property manager evicts tenants if drugs are found, and Green explained that there is more ability on the private part to take action for a conviction. Regarding questions asked during the public hearing, Elkins said the only thing they could do is stabilize soils but they would not be allowed to do improvements. She also said phase one has been completed and there can be no development in the area without the approval for a major amendment to the planned development. As requested by Hadcock, Allender explained crime report. Hadcock suggested putting a park in the area and said it is about being a good neighbor. Martinson pointed out that Eagle Ridge is part of the neighborhood, and she wants to make sure this is fair for everyone. Weifenbach said they were forced into an issue that is not a good solution for the neighborhood. He discussed the area and said he wants commitment for added police presence for traffic issues. Kooiker asked for confirmation that police and the Mayor will address the traffic control issues, and Mayor Hanks said it is in process. The original motion carried as amended.

The Mayor presented (No. 10AN002) A request by Shawn Brinkman and Kurt Garlick for a **Petition for Annexation** on Lots 3M, 3P, 3Q and 3R and 3L revised of Melody Acres Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of S.D. Highway 44 and east of Valley Drive. Motion was made by Olson, second by Costello, to approve the request. Elkins indicated that this comes from the annexation committee as it was intended as part of the South Valley Drive annexation. Four lots were dropped from the description, and she indicated two property owners have agreed, one property owner indicated opposition and one did not respond. Elkins indicated that this went through the full process and it was intended for this property to be included as part of the annexation. Motion carried.

RESOLUTION #2010-067

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed; and

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and