

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 7, 2002

MEMBERS PRESENT: Ida M. Fast Wolf, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Robert Scull, Jeff Stone, Sam Kooiker, Bob Wall, and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Kenn Shave, Dan Laddenburger, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green, and Nadine Bauer

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

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

Stone Request that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration.

Mashek moved, Kooiker seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Item 7. (9 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

28. Discussion Items

- A. Continuation of Conditional Use Permit Applications Under New Procedures – Referred to Planning Commission from City Council - Marcia Elkins

Elkins explained that at a previous City Council meeting, Rick Kriebel expressed concerns about the appeal process for a continuation motion made by the Planning Commission for Conditional Use Permits under the new procedures. She further added that this item was referred back to the Planning Commission from the City Council for discussion and direction on how to proceed with the new procedures for Conditional Use Permit Applications.

Elkins suggested two options to the Planning Commission: 1) Revise the Ordinance with a provision for appeal of a continuation motion by Planning Commission; or, 2) Establish a timeframe for the Planning Commission to act on a Conditional Use Permit. Elkins discussed the state statute regarding timeframes for plats.

Discussion followed concerning the Friday, February 8, 2002 submittal deadline. Elkins advised that these applications will be the first submittals that will be subject to the new procedures outlined in Ordinance #3771. Elkins added that at this time, staff does not know if continuances will be a significant problem.

Wall stated that during his time on the Planning Commission he has never seen an item that has been unreasonably continued and does not feel that this is an issue that needs to be addressed.

In response to a question from Wall, Kroeger advised that there was little discussion on this item at the January 21, 2002 City Council meeting. Discussion followed concerning monitoring the Conditional Use Permit applications for a period of time. Kroeger supported monitoring the situation before revising the Ordinance.

Kooiker expressed concerns about the timeliness of appeals and felt that the ordinance should be revised to allow an applicant to appeal a continuation and be heard at the next City Council meeting. Lengthy discussion followed regarding due process and proper notification.

Jason Green, Assistant City Attorney, discussed procedural due process, legal notice, and the opportunity to be heard. He added that the Ordinance in its current form sets out constitutionally permissible notice requirement. There are no procedural due process problems at this time.

Discussion followed concerning the applicant's responsibility regarding planning ahead when submitting an application, timely appeals, the process for requesting a special council meeting, and Planning Commission's recommendation to approve or to deny without prejudice.

Kooiker moved to recommend that the Planning Commission direct staff to draft an Ordinance Amendment with a provision that all continuation motions for Planned Developments and Conditional Use Permits be forwarded to the City Council for review. The motion died for lack of a second.

Discussion followed.

Stone moved, Mashek seconded and unanimously carried to direct staff to monitor the Planned Development and Conditional Use Permit process for six months and report back to the Planning Commission as a Discussion Item. (9 to 0)