

STAFF REPORT

April 25, 2002

No. 02OA002 - Ordinance Amendment

ITEM 54

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02OA002 - Ordinance Amendment
EXISTING LEGAL DESCRIPTION	An Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats
DATE OF APPLICATION	01/11/2002
REPORT BY	Trish Anderson

RECOMMENDATION: Staff recommends that the Ordinance Amendment be continued to the May 9, 2002 Planning Commission meeting.

GENERAL COMMENTS: Since the previous Planning Commission meeting, the City Attorney's office has been researching some legal issues related to this ordinance. **Planning staff has also been communicating with Sioux Falls and Brookings; two communities which have this procedure in place.** That research concluded, staff will now send out a courtesy letter to engineering and surveying firms regarding this amendment and the companion amendment on the Expiration of Layout and Preliminary Plats. The letter will advise those individuals of the date and time of the Planning Commission meeting in which both the proposed ordinance amendments will be discussed.

In their meeting of December 6, 2001, the Planning Commission directed staff to advertise for ordinance amendments regarding Administrative Approval of Final Plats. Under the current procedures, Final Plats are frequently continued on City Council agendas for a number of meetings to allow the applicant time to meet the stipulations identified at the Preliminary Plat stage. Applicants can be delayed for any number of reasons including the weather and financing. The repetition of having incomplete Final Plats appear over and over again on City Council agendas results in burdensome agendas for the City Council and is time consuming for the developers.

In the November meeting, some Planning Commissioners expressed concern that the administrative approval of Final Plats would lead to loss of control by the Planning Commission. However, all the substantive issues regarding plats are addressed during the Layout and Preliminary Plat stage, and typically discussed at Planning Commission meetings prior to approval. The draft ordinance as written only allows for minimal changes that may result from part of the Preliminary Plat approval, and minor changes such as changes in dimensions or angles. The minor changes must not change in any way the overall scope of the plat, and must be approved by both the Planning Director and the Public Works Director. This process is similar to the building permitting process already administered by the City.

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Staff notes that if the applicant desires to change substantially one of the stipulations of approval, the applicant has the option of re-submitting the Preliminary Plat to the Planning Commission and subsequently to City Council. Staff also notes that under 16.08.035 (8) of the ordinance that any person having submitted a final Plat application which has been accepted by the City, but denied by the Planning Director and/or Public Works Director may appeal such decision to the City Council.