

8-26-99

38. ORD #99OA003 – Plat Notification

An application by City of Rapid City was considered for an Ordinance amending chapter 16.20 of the Rapid City Municipal Code by adding thereto a new section to provide for notification of surrounding property owners for plat requests.

Emerson presented the request and explained the purpose of the proposed Ordinance Amendment. He advised that notice of the proposed Ordinance Amendment was mailed to developers and engineering firms in Rapid City who frequently work with the Planning Department. He noted several developers have expressed concern that the notice process would complicate or stall their platting procedures. He recommended approval of the Ordinance Amendment.

Bill Freytag, developer, expressed concern that posting signs and certified mailings to area property owners would only involve more people in the platting process increasing the likelihood development protests. He stated that he feels the current procedure works fine. He expressed concern that additional expenses would be incurred every time he wanted to plat a lot. Freytag suggested that a copy of covenants and deed be filed with Plat applications for staff review.

Phil Olsen, Olsen Development Company, expressed concern that the proposed Ordinance amendment will create another layer of process that doesn't work. He stated that he feels notification is appropriate when land use is changed. Olsen described the costs he expended to complete the notification process required to secure approval for the Windmere Subdivision Planned Development. He noted that he feels staff should require plat applicants to provide copies of subdivision covenants. He expressed concern that notice to property owners would encourage "not in my back yard" responses to proposed developments that meet all required criteria. He added that typically people don't research property prior to purchase. He expressed his opinion that notification of plat requests is an unnecessary expense to the developer.

Elkins advised that the Planning Commission's decision to initiate plat notification ordinance amendment is not the result of one situation and was not directly related to the Lot Split request in Enchanted Hills. She explained that there have been a number of instances concerning plat requests over the past two years which prompted the proposed ordinance amendment.

Olsen expressed concern that no input was considered from the development community concerning the proposed ordinance amendment. He offered to attend committee meetings to represent developer interests.

Wall advised that he used the Enchanted Hills Lot Split as an illustration when discussing the proposed ordinance amendment with the developers. He clarified that it is not his desire nor the desire of the Planning Commission to become involved in enforcing private covenants. He noted that the Planning Commission intended to make the public aware of what is going on around them. He added that property owners like to know what developers are planning and the proposed ordinance amendment would ensure the process of public information.

Freytag stated that he feels the Planning Commission and staff provide sufficient review of plat requests. He expressed opposition to the proposed ordinance amendment and requested that the item be continued so that other options can be explored.

Discussion followed concerning the existing procedure for plats and the Planning Commission's desire for public representation in the platting process.

Scull advised that he feels notification should only be required if the land use is proposed to be changed. He added that he believes that property owners have assumed the liability of knowing the development potential of nearby properties. He stated that he would support a committee review of the plat notification process.

Gordon Howie discussed difficulties he has had with the process of notification for other development applications. He noted that the meetings are not conducted secretly and that the public can attend if they are interested.

Doug Sperlich expressed opposition to the proposed ordinance. He stated his position that the notification process is expensive and time consuming. He noted that the ordinance clearly sets out platting requirements, including lot configuration, size, and other specifications. He added that if the developer is meeting all the requirements of the ordinance it is not necessary to notify the public of proposed subdivisions.

**Scull moved and Wall seconded to recommend that the ordinance amendment be denied.**

Wall expressed his support for the intent of the ordinance amendment. He stated that he is not convinced that the ordinance amendment is the right way of letting people know about proposed development. He added that he believes the issue needs further discussion.

**Scull made a substitute motion to continue the ordinance amendment to the September 23, 1999 Planning Commission meeting. Wall seconded the motion.**

Wevik stated that he agrees that the public should be well informed. He advised that at first glance it appears that there is a good process in place, noting that he feels that staff provides a thorough review of plat submittals. He stated his support for the continuance of the proposed ordinance amendment so that he has an opportunity to review the issue further.

Phil Olsen expressed concern that proper dialogue between the development community and the Planning Commission has not taken place. He asked that input from the developers be considered on this issue.

Prairie Chicken commented that he is new to the Planning Commission and he noted that there are valid points in support of and in opposition to the ordinance amendment. He stated that he would like more time to review the ordinance and he requested that the general public have representation in any committee meeting concerning this issue.

Discussion followed.

**The motion carried unanimously to continue the ordinance amendment to the September 23, 1999 Planning Commission meeting. (7 to 0)**

9-23-99

30. ORD #99OA003

An application by City of Rapid City was considered for an Ordinance amending chapter 16.20 of the Rapid City Municipal Code by adding thereto a new section to provide for notification of surrounding property owners for plat requests.

Elkins advised that a committee consisting of Planning Commissioners Scott Nash, Pam Lang, and Bob Wall, City Councilperson Jerry Munson, Developer Phil Olsen, Engineer Doug Sperlich and Sally Samuelson, area resident, plan to meet and review the proposed Ordinance Amendment. Elkins recommended that the request be continued to the October 21, 1999 Planning Commission to give the committee an opportunity to meet and prepare a recommendation.

Nash spoke in support of the review committee and the motion, stating that he feels the group can reach a compromise between developer needs and public interest.

**Wevik moved, Gavle seconded and unanimously carried to recommend that the Ordinance Amendment be continued to the October 21, 1999 Planning Commission meeting. (9 to 0)**

10-21-99

17. ORDINANCE AMENDMENT #99OA003

An application by City of Rapid City was considered for an Ordinance amending Chapter 16.20 of the Rapid City Municipal Code by adding thereto a new section to provide for notification of surrounding property owners for plat requests.

Elkins requested that this item be denied without prejudice at this time as staff does not currently have adequate time to provide assistance to the recently formed committee.

**Wall moved, Scull seconded and unanimously carried to recommend that the Ordinance Amendment be denied without prejudice. (8 to 0)**