

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
Training Session
November 17, 2011
11:30 a.m. to 1:00 p.m.

MEMBERS PRESENT: Sandra Beshara, Erik Braun, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Steve Rolinger, Andrew Scull and Josh Snyder

STAFF PRESENT: Vicki Fisher, Patsy Horton, Brad Solon, Brandon Quiett, Ted Johnson, Joel Landeen, Allison Marsland and Risë Ficken

OTHERS PRESENT: Ritchie Nordstrom, Charity Doyle, Ron Sasso, Bonny Petersen, and Janelle Finck

Brewer called the meeting to order at 11:32 a.m.

1. Zoning Ordinance

Fisher reviewed the slide presentation and discussed the function and purpose of the Zoning Ordinance. Fisher advised that the Second Floor Review Committee is working on a significant number of revisions to the Zoning Ordinance as currently adopted. Discussion followed.

In response to a question from Braun, Fisher explained that Planned Developments currently serve as individual overlay districts that allow regulatory compromises within a specific development and serve as a mechanism to provide a neighborhood and the City assurances that the use will occur on the site as approved. Discussion followed.

Fisher advised that the Second Floor Review Committee is currently evaluating the adoption of a Planned Unit Development (PUD) zoning district. Discussion followed.

In response to a question from Braun, Fisher discussed several PUD zoning districts in Pennington County.

In response to a question from Charity Doyle, Fisher explained that City Code Enforcement would only be responsible for enforcement when the City is a party to a covenant agreement. Lengthy discussion followed concerning issues associated with the enforcement of covenant agreements.

2. Platting Process

Fisher reviewed the slide presentation and provided a review of the pending ordinance amendment outlining changes to the platting process as proposed by the Second Floor Review Committee and recommended for approval by the Planning Commission. Fisher identified how the subdivision of property triggers

street improvements based on the street alignments contained in the adopted Major Street Plan. Fisher explained the need for the Infrastructure Design Criteria Manual to be adopted in conjunction with the new subdivision regulations. Discussion followed.

In response to a question from Brewer, Fisher clarified that when the ordinance amendments become effective, subdivision variances will be reviewed administratively and will no longer be considered by the Planning Commission. She noted that staff's decisions on subdivision variances can be appealed to the City Council.

Brewer noted that the Planning Commission has supported requiring the installation of sidewalks to provide safe pedestrian walkways. In response to a question from Brewer, Fisher explained that the installation of sidewalks is currently required at the time of issuance of a building permit. She stated that under the proposed amendments any request to waive the installation of sidewalks will be required to go to the City Council for approval. Marchand commented that ensuring the safety of pedestrians and children is one of the reasons she asked to serve on the Planning Commission. Discussion followed.

Popp requested clarification concerning when the Second Floor Review Committee will complete their work. Janelle Finck stated that the Second Floor Review Committee is currently working on revising the planned development process. She estimated that it would take approximately three more months for the committee to complete its work. Discussion followed.

Bonny Petersen stated that the City Council follows the recommendations from the Planning Commission much of the time noting that requiring the installation of sidewalks is usually supported by the City Council. Discussion followed.

3. Exparte Communications

Landeen explained the issue of exparte communications as it relates to the appointed members of the Planning Commission noting that appointed officials are handled somewhat differently from elected officials.

Landeen explained the Planning Commission's status as a quasi-judicial body, due process and the requirement for a fair hearing, and the importance for all parties to be present when an issue is discussed. Lengthy discussion followed.

Janelle Finck expressed concern that some contentious issues are not brought to light until the applicant receives a copy of the staff report noting that it is difficult for applicants to resolve some issues between the time the staff report is received and the Planning Commission meeting. Landeen noted that some items are continued for a meeting until the applicant can provide the requested supplemental information.

Landeen emphasized the importance of the Planning Commission basing the approval or denial of an application specifically on the review criteria provided. Discussion followed.

Brewer clarified that group site visits can be helpful and he cited examples of publicly noticed Special Planning Commission meetings held for the purpose of a site visit. Discussion followed.

Landeen cited various case law demonstrating the importance of approving and/or denying applications based on the specific criteria provided in the Municipal Code. Discussion followed.

Brewer suggested that an additional Planning Commission training session be scheduled to discuss Tax Increment Financing in January or February and that a training session be scheduled to review the revised Sign Code, at such time as the Sign Code revisions are approved.

Landeen encouraged the Planning Commission members to contact the City Attorney's Office at any time that they have a question or concern related to exparte communication.

Brewer thanked Vicki Fisher, Joel Landeen and the Community Planning staff for their work on the training session.

There being no further business, Popp moved, Marchand seconded and unanimously carried to adjourn the meeting at 1:13 p.m. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Swank and Weimer voting yes and none voting no)