

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
Training Session
September 21, 2012
11:30 a.m. to 1:00 p.m.

MEMBERS PRESENT: John Brewer, Patrick Fink, Dennis Popp, Kay Rippentrop and Tim Rose. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara, Carlos Beatty Jr, Linda Marchand, Steve Rolinger, Andrew Scull, Josh Snyder, and Jan Swank.

STAFF PRESENT: Vicki Fisher, Carla Cushman, Fletcher Lacock, Robert Laroco and Andrea Wolff.

OTHERS PRESENT: Ritchie Nordstrom and Amanda Scott.

Brewer called the meeting to order at 11:40 a.m.

Brewer briefly reviewed the items on the agenda noting that the Planning Commission requested that staff provide this training session to discuss zoning, planned developments and ex parte communications as it applies to a quasi judicial body as the Planning Commissioner.

Lacock briefly reviewed what zoning is, noting that every property in Rapid City has a zoning designation which identifies the types of uses that are permitted which are conditional uses and the development regulations. Lacock reviewed how zoning is utilized as a land use management tool to set development standards including setbacks, lot coverage, lot sizes, maximum heights and as an exercise in police power which allows the Planning Commission and City Council to decide what requirements or additions are needed to allow the Conditional Use Permit and the reason why.

Lacock addressed the use of zoning to ensure the value of neighborhood character, that the demands on public services can be supported, efficient transportation provided and to control nuisances that can be associated with mixing uses that are not compatible such as residential zoning next to industrial zoning or commercial zoning. Lacock noted that Rapid City utilizes a zoning map that has recently been digitalized and is now accessible to both staff and the public. Lacock reviewed the map and zoning designations.

Discussion followed regarding different aspects of planning including the moral aspect of planning, future planning for the expansion the city in the next 10 to 15 years and the potential for urban sprawl and the need to plan for extension of city services and infrastructure and building on existing services and infrastructure.

In response to a question from Popp regarding future planning, Fisher stated that a study to create a new Comprehensive Plan for Rapid City has recently been approved which will greatly assist in that direction. Fisher also stated that Planning Commission would be kept informed as that process proceeds and additionally that items could be included in the discussion section of the Planning Commission agenda to allow general educational items to be discussed.

Brewer left the meeting at this time. Popp took control of the meeting.

Laroco discussed Permitted and Conditional Uses stating that this is part of the police power that Lacock mentioned previously. Laroco clarified that permitted uses are those deemed appropriate in a given district, while conditional uses are those that may be appropriate but require review and may have conditions placed upon them to ensure they are suitable in a given district. Laroco reviewed the conditional use permit criteria for review giving examples of recently reviewed applications applicable to many of them.

Laroco addressed the Conditional Use Permit for On-Sale-Alcohol as this conditional use permit has its own set of criteria beyond those applied to general conditional use permits. Laroco also reviewed Planned Developments and how they are used to allow flexibility for development by changing the permitted uses on a property but more often are used to change the land use regulations such as setbacks, heights, landscaping, and parking.

Discussion followed regarding conditional uses and the current trends and uses of conditional use permits.

Cushman discussed the ex parte communication issues that the Planning Commissioners should be aware of and explained how they should handle them. Cushman explained that ex parte means "with one- party" and are communications of note that take place outside of Planning Commission meetings and are generally one sided.

Cushman explained that as a quasi-judicial group the Planning Commission needs to remain impartial so all decision can remain fair and impartial. Cushman acknowledged that this does curtail Planning Commissioners' communication, but stressed that the impression or implication of bias needs to be avoided. Cushman reviewed various scenarios and options that the Planning Commissioners could use in those instances.

Cushman summarized that the Planning Commission needs to remember that only the information provided on the published agenda that is available to everyone be used when reviewing an application before the Planning Commission.

Discussion followed.

There being no further business Popp adjourned the meeting at 1:00 p.m.