



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Community Planning & Development Services

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MEMORANDUM

TO: Chairman and Members of the Legal & Finance Committee

FROM: Brett Limbaugh, Director

DATE: June 13, 2012

RE: Public Notification Process.

Staff has been asked to evaluate the public notification process for land use cases that are presented to the Planning Commission to determine whether the process should be modified. The Zoning Ordinance presently requires public notification for rezoning, land use plan amendments, Planned Developments, and Conditional Use Permit applications. Public notification for these applications includes four steps:

- **Publishing**
- **City Website and City Hall Posting**
- **Property Posting**
- **Adjacent Property Owner Notification Letters**

Publishing

Staff publishes the application information in the Rapid City Journal seven days prior to the public hearing. In addition the Finance Department publishes Land Use Plan amendments and rezoning applications once a week for at least two successive weeks prior to the date of the adoption of the ordinance.

City Website and City Hall Posting

Staff prepares project reports and supporting documents for all land use applications that are reviewed by the Planning Commission and City Council. These documents are linked to the electronic agendas on the City website and are available at the Community Planning & Development Services Department for review by the public.



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Property Posting

An applicant is required to post and maintain an approved sign or signs on the property at least 7 calendar days prior to the Planning Commission meeting. The applicant is also required to maintain the sign until the application has been finally approved or rejected by the Planning Commission or City Council. The signs are checked out at the Community Planning & Development Services Department. The applicant provides a \$40 deposit to cover the cost of replacement of the sign. Staff determines the number and location of the sign or signs to be posted on the site.

The existing sign for a Conditional Use Permit for an on sale liquor establishment is a 24" by 32" red sign mounted on a steel post. The other four signs used for a Comprehensive Plan Amendment, Conditional Use Permit, rezoning, and Planned Development are 18" by 18" blue signs mounted on a steel post. There is some concern that the blue signs are not large and/or vibrantly colored enough to be noticed by the traveling public. Public Works Staff has created an alternative yellow and white sign that could replace the blue signs (see attachments). Staff recommends retaining the red signs for the on sale liquor establishment applications.

Adjacent Property Owner Notification

An applicant is required to provide notice to property owners within 250 feet of the property under consideration by certified mail not less than 7 days prior to the Planning Commission hearing. Notice is also required, via first class mail, to all property owners located within a Planned Development. The mailing list is prepared by Staff and supplied to the applicant who must return the green cards as evidence of mailing not later than three days prior to the public hearing.

In order to create the mailing labels, Staff uses the City GIS system to identify the properties that fall within the 250' radius and then eliminates duplicate property owner information and additional properties owned by the applicant.

The radial distance measurement technique is used primarily because it is an accurate and non-biased measurement from the boundaries of the subject property. Properties within this radial measurement would be equally affected by potential impacts from the applicant's property including:

- Noise
- Odor
- Dust/Smoke
- Vibration
- Glare/Heat
- Visual impact

It has been suggested that a specific number of properties surrounding the subject property should be used rather than the radial measurement. This method would generate fewer notifications in a densely subdivided part of town than a radial measurement. This method would also require a considerably larger geographic area to be notified in an area on the edge of town or in a part of town with large property parcels. In either case the method would not provide a symmetrically accurate geographic measure of impact from the subject property. This method would also be cumbersome to administer as it would require staff to select the 25 closest properties rather than relying on the accuracy and simplicity of the radial measurement.

With respect to increasing the radial distance, Staff has generated a table based on six recent applications showing the number of properties that would be notified at 250', 500', and 750'. Also

identified in the table is the dollar amount the applicant would spend for certified mail based on the current US Postal charge of \$5.75 per letter. The first two cases in the table are examples for a typical residential subdivision within an older neighborhood of the City and a downtown example. The next four examples are for newly developing areas and development on the periphery of the City.

Case Example	Existing 250'	500'	750'	Greater than 750'
809-811 Fairview Case #12RZ007	32 properties \$184.00	93 properties \$534.75	179 properties \$1,029.25	n/a
Presidential Plaza Case #12PD018	20 properties \$115.00	68 properties \$391.75	102 properties \$586.50	n/a
2707 Mount Rushmore Rd. Case #12PD019	7 properties \$40.25	11 properties \$63.25	25 properties \$143.75	n/a
Stumer/Shelby Case #12RZ005 & #12RZ006	4 properties \$23.00	8 properties \$46.00	21 properties \$120.75	800' 26 properties \$149.50
Promise Road Case #12PD013	4 properties \$23.00	8 properties \$46.00	12 properties \$69.00	1,250' 32 properties \$184.00
Commerce Road Case #12RZ009	3 properties \$17.25	3 properties \$17.25	3 properties \$17.25	1,500' 27 properties \$155.25

Included in the table is a column indicating the distance from the subject property required to capture at least 25 properties. The table indicates that the radial distance to gather at least 25 properties could range between 250' to 1,500'. The table also details the significant increase in mailing costs for properties within the older part of the City should the radial distance be increased from 250'. The first example at 809-811 Fairview shows the existing 250' radial measurement would cost \$184.00 for certified mail and escalate to \$534.75 for 500' and \$1,029.25 for 750'.

18" x 18" BLUE Hearing Sign Specifications

18" x 18" square (with radial corners), constructed on .080 aluminum, reflective and screen printed

Two 3/8" bolt spaced one inch (1") on center drilled into the sign faces (centered top and bottom) to allow for mounting onto U-channel posts. Signs are white lettering and white border on a blue background.



Large RED - On-sale liquor sign - 24" X 32" on .080 aluminum, reflective and screen printed.



Street shop has made these signs for us before.

NOTICE

**PROPOSED
REZONING**

**FOR INFORMATION
394-4120 – RCGOV.ORG**

NOTICE

**CONDITIONAL
USE PERMIT
REQUEST**

**FOR INFORMATION
394-4120 – RCGOV.ORG**

NOTICE

**COMP PLAN
AMENDMENT
REQUESTED**

**FOR INFORMATION
394-4120 – RCGOV.ORG**

NOTICE

**PLANNED
DEVELOPMENT
REQUESTED**

**FOR INFORMATION
394-4120 – RCGOV.ORG**