

STAFF REPORT

October 4, 2001

No. 010A016 - Ordinance Amendment - Planned Developments - size and recording documents **ITEM 17**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 010A016 - Ordinance Amendment - Planned Developments - size and recording documents
LEGAL DESCRIPTION	An Ordinance amending Chapters 17.50.050, 17.50.060, 17.50.070, 17.50.080, 17.50.090, 17.50.100, and 17.50.105 to revise various requirements pertaining to Planned Developments including but not limited to: clarifying various notification requirements regarding Initial and Final Development Plan applications, eliminating the requirement to record approved Planned Developments with the Register of Deeds, further defining actions which trigger a Major or Minimal Amendment to an approved Planned Development, and eliminating the minimum size requirements for all types of Planned Developments
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Ordinance Amendment be approved.

GENERAL COMMENTS: On September 6, 2001 the Planning Commission authorized Staff to advertise for changes to the Planned Development section of the Zoning Ordinance. The draft Ordinance (see attached) includes a number of revisions with the most substantial being as follows:

- Size Requirements: City Code currently sets forth minimum size requirements for all types of Planned Developments. A minimum size of one acre is required for Planned Residential Developments, Planned Commercial Developments, Planned Light Industrial Developments and Planned Development Designations. A minimum size of ten acres is required for a Planned Unit Development. The draft Ordinance amendment deletes these minimum size thresholds. Staff believes that if there is a sound reason to have a Planned Development then a minimum size requirement is unnecessary.
- Recording Planned Developments: Several years ago, and at the direction of the Planning Commission, the Planned Development regulations were revised to require recording of approved Planned Developments at the Pennington County Register of Deeds Office. The Assistant City Attorney has now indicated that the recording of planned developments is not allowed by State Law and therefore these references have been eliminated from the draft Ordinance.

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- Notice Requirements: There are two sections of the Planned Development Ordinance pertaining to notification requirements that are proposed for revision. First, the Initial Development Plan and any Major Amendments to a Planned Development require the applicant to send certified return receipt mailings to all property owners within 150 feet of the Planned Development but requires no notification of property owners within the Planned Development. This section has been modified so that the first class mail notification of property owners within the Planned Development is also required. Secondly, the Final Development Plan section of the Ordinance currently states that certified return receipt notification of all property owners within the Planned Development and all property owners within 150 feet of the Planned Development must occur. Staff has noted that the costs of such a mailing can become quite burdensome as there are several very large Planned Developments in Rapid City with hundreds of property owners. Therefore, the draft Ordinance amendment proposes that the notification for Final Development Plans would require first class mailings to all property owners within Planned Developments. Certified return receipt mailings would still be required to property owners within 150 feet of the perimeter of the Planned Development.
- Consistency with Use on Review Amendments: Currently an amendment to a Use on Review can be granted administratively as a Minimal Amendment if an expansion of less than 20% is being proposed. However, the Code requires a Major Amendment to a Planned Development in the case of *any* expansion. The proposed Ordinance amendment would change this requirement so that a 20% expansion in a Planned Development could also be handled through a Minimal Amendment.
- Other Changes: In addition to the preceding items, the proposed Ordinance amendment also addresses several other issues including: clarifying under what circumstances permits may be issued for Planned Development Designations; clarifying that any change in use in any Planned Development (as per the Standard Industrial Classification Manual) will require a Major Amendment; and, clarifying the requirements for posting public hearing signs as part of any Planned Development application.

STAFF REVIEW: Staff has reviewed the proposed Ordinance amendment and is recommending approval. Staff believes the changes will result in regulations which are clearer, effective and more equitable.