



CITY OF RAPID CITY

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PLANNING DEPARTMENT

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MEMORANDUM

TO: Rapid City Planning Commission

FROM: Bill Lass, Senior Planner

DATE: 8/29/01

RE: Proposed Amendments to the Zoning Ordinance Regarding Use on Reviews

Staff is recommending that the Planning Commission consider authorizing draft amendments to the Zoning Ordinance to address two issues related to Use on Reviews:

1. Approval of Use on Reviews and Planned Developments by Planning Commission: Currently Use on Review applications are brought before the Planning Commission who will make a recommendation to the City Council. The City Council then has the final decision regarding whether or not the Use on Review is granted. Two or three years ago, a subcommittee appointed to review possible changes to Use on Reviews recommended that the Code be changed so that the Planning Commission would have the final decision regarding a Use on Review unless the decision was appealed to the City Council. This change would have the advantage of shortening the length of time under which an applicant would have to wait for approval of a Use on Review application in most cases. However, in the case of an appeal it is possible that the ultimate action on the Use on Review could take longer due to notice requirements. One important point to consider if this change is made is that Planned Developments will also be impacted as Planned Developments follow the same process as Use on Reviews according to the Zoning Ordinance.

Should the Planning Commission wish to proceed with a draft of this Ordinance Amendment, there are several issues regarding appeals that would have to be addressed. First, appeals of Planning Commission decisions regarding Use on Reviews could be made by anyone – a citizen, Planning Commissioner, City Council member or the applicant. Secondly, the process for appeals should entail the notification of area property owners. Without this notification, someone could leave the Planning Commission meeting under the belief that action on the Use on Review was completed only to find out later that the decision had been appealed to the City Council.



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where a different decision was made. Thirdly, the party responsible for sending out notices would have to be identified. One idea is to have the first person appealing the decision to be the one responsible for this mailing.

2. "Conditional Use Permit" - Most communities have traditionally used the term "Conditional Use Permit" rather than "Use on Review." In order to bring Rapid City into conformance with planning norms, Staff is proposing to change all references from "Use on Review" to "Conditional Use Permit" instead. This term is also more understandable to the general public.

Staff will be present at your September 6, 2001 Planning Commission meeting to answer any questions you may have regarding this matter.

