

STAFF REPORT

December 6, 2001

No. 01OA015 – An Ordinance amending Section 17.54.030 of Chapter 17.54 ITEM 11 of the Rapid City Municipal Code pertaining to the procedures for authorizing conditional use permits.

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 01OA015 – An Ordinance amending Section 17.54.030 of Chapter 17.54 of the Rapid City Municipal Code pertaining to the procedures for authorizing conditional use permits.
REPORT BY	Bill Lass

RECOMMENDATION:

Staff recommends that the Ordinance Amendment - Use On Review and Planned Development approval process be approved.

GENERAL COMMENTS: At the direction of the Planning Commission, Staff has prepared the draft Ordinance amendments making the Planning Commission the decision-making body regarding Use on Reviews rather than the City Council. The highlights of the attached Ordinance are as follows:

- Planning Commission Public Hearing: Section “C” of the proposed Ordinance gives the Planning Commission the decision-making authority regarding Use on Reviews. The section also states that appeals of the Planning Commission’s decision can be made in accordance with the “Appeals” section.
- Appeal Procedures: Section “F” of the proposed Ordinance sets forth the appeals procedure. As per the Planning Commission’s direction, appeals may be filed by anyone within seven days after the Planning Commission’s decision. Also, as per the Planning Commission’s direction, there is no certified mailing requirement with appeals. A public notice would still need to be published in the newspaper regarding any appeals.

STAFF REVIEW: Two important points to remember in considering this proposed Ordinance amendment are: 1) The changes will shorten the timeframe for most Use on Reviews to be acted upon by about eleven days. However, for those Use on Reviews that are appealed, action will actually take longer than what is currently required – potentially up to two to three weeks longer. 2) The proposed Ordinance amendments will affect not only Use on Reviews but Planned Developments also.

As noted earlier this Fall, Staff researched the number of Use on Reviews and Planned Development submittals between October 1, 2000 and October 1, 2001. During this twelve month period, a total of 129 Use on Reviews, Planned Developments and Major Amendments were acted on by the Planning Commission and City Council. Of this total, there were only six

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instances in which the City Council action varied from the Planning Commission recommendation. This means that over 95% of the time the City Council concurred with the Planning Commission. Based upon this information, it appears that the proposed amendments could reduce the review period for a significant number of applicants.

Staff is recommending approval of the attached Ordinance amendment.