



# 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 Public Works Committee

FROM: Brett Limbaugh, Director

DATE: May 15, 2012

RE: Adjacent Property Owner Notification Requirements

City Council has requested that Staff review the adjacent property owner notification requirements to determine whether an increase to the existing 250-foot radius should be considered. The existing requirements for land use cases such as conditional use permits, rezoning, variances, and planned developments require the applicant to notify adjacent property owners by certified mail and the return receipts are then provided to the City. At the present time an applicant will be charged a postal service fee of \$5.75 for each certified letter.

Staff has included three examples from recent cases to demonstrate the differences in cost and complexity of this procedure based on the location of the subject property. Staff chose three locations including:

- Downtown location (Presidential Plaza Planned Development under review by City Staff)
- Existing residentially developed neighborhood (Down zoning case at 809 & 811 Fairview from commercial to residential approved by City Council on May 7, 2012)
- Developing area at the edge of the City (Rezoning cases from office to general commercial at Stumer and Shelby denied by City Council on May 7, 2012)

A table on the next page shows the total number of property owners included within the existing 250-foot radius and a sample 500-foot radius for each of the locations and the cost to the applicant for the certified mailing. In the Stumer and Shelby example a 750 foot radius would have been required to reach the first tier of single-family properties. The numbers in the table reflect only those notices required to be mailed and excludes any duplicates for property owners with multiple properties within the notification boundary. The table indicates a single-family home owner in a developed neighborhood will pay substantially higher costs to process a land use application than a downtown property owner and the property owner along the outer edge of the City.



EQUAL OPPORTUNITY EMPLOYER

<b>Case</b>	<b>Existing 250 feet</b>	<b>500 feet</b>	<b>750 feet</b>
Presidential Plaza Case #12PD018	20 properties \$115.00	68 properties \$391.75	
809-811 Fairview Case #12RZ007	32 properties \$184.00	93 properties \$534.75	
Stumer/Shelby Case # 12RZ005 & Case # 12RZ006	4 properties \$23.00	8 properties \$46.00	21 properties \$120.75

In the case of the Stumer and Shelby example increasing the notification radius to 800 feet or 1,000 feet would have resulted in 26 and 49 properties respectively. Maps have been attached to this memorandum for each of the examples listed in the table. It should be noted that the downtown area and many existing residential areas were originally platted into 25-foot wide lots. These lots were sold and combined into larger property ownerships for development.