



Legislation Text

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Planning Report

Notification Requirements for Public Hearings

Planning & Zoning Commission

October 26, 2016

REQUEST:

Receive a report and hold a discussion regarding current notification practices and requirements for public hearings. (Cindy Jackson and Ron Menguita)

BACKGROUND:

On October 12, 2016, a Work Session presentation was made to the Planning and Zoning Commission regarding the City's public hearing notification process with recommendations for improvement. This report is a follow up to the feedback received from the Commission.

CONSIDERATIONS:

1. The Planning Division's recommendation includes a provision which requires the applicant to purchase, install, maintain, and remove the public hearing sign. At the last work session there was discussion regarding how affidavits are received. Staff contacted other cities regarding how each city receives affidavits and it was determined:

- All but one city (Fort Worth) permits applicants to submit completed sign posting affidavit via in-person submittal, email, fax, or mail.
- Applicants in Plano post the signs prior to submitting the zoning application and submit the completed affidavit with the application.
- Applicants in all cities, except Fort Worth, typically have the sign company post the sign after it has been fabricated.

The notification requirements for the cities polled are reflected in Exhibit 1.

2. The following suggestions were made by the Commission either during the public hearing or via email subsequent to the public hearing. An associated response has been provided.

- Provide a self-addressed, stamped envelope with each 200-foot notification.
Response: It is possible to send the notice with a return envelope, however the return envelope will not have prepaid postage. The City's mailing service, Click2Mail, has indicated that this feature will be available in the near future. The cost for Click2Mail to send the notice with or without the return envelope costs \$2.42.
- Create a link on the City of Denton home page to the Planning Division webpage dedicated for public hearing notices.

Response: The Public Communications Office (PCO) has indicated that providing this service is not possible due to the design of the new website. The home page will only feature city announcements. They suggested placing the notices on the Planning Division's webpage would be the only alternative. We will continue to work with PCO to find a way to improve visibility of the notices with the new website design.

- Include City Council notices on the same webpage as Planning and Zoning Commission notices.

Response: This can be accomplished by placing all the active notices on the same page.

- Clarify the cost of the sign.

Response: The cost of the sign will be dependent on which sign contractor the applicant utilizes. Included with the sign specifications will be a list of local sign contractors for the applicant to choose from.

- Start an email notification list by neighborhood for residents to sign up for notifications of activity in their neighborhood.

Response: The creation and maintenance of the proposed email notification list would not be possible as it would require significant staff resources. Additional time would be needed to generate an email for each development request received by the city. The proposal to create a page on the Planning Division website would ensure the public hearing notifications are accessible for interested citizens to locate news of development proposals in their area.

- Utilize electronic text alerts.

Response: The PCO has been approached regarding this feature and is researching this technology. We will continue to discuss this with PCO to determine what is required to develop this feature.

- Use postcards for both the 200-foot and 500-foot mailing.

Response: Using the template from the mail service, staff has prepared a mock-up of the 200-foot notice. Please refer to Exhibit 3. The letter notice costs the city \$2.42 to mail out, and the post card with a perforated reply card would cost \$2.27, a savings of \$0.15 per piece.

3. The minimum size of the public hearing signs posted on site:

- Frisco (4-feet x 4-feet)
- McKinney (4-feet x 4feet)
- Plano (4-feet x 4-feet for zoning, 2-feet x 3-feet for Special Use Permits)
- Lewisville (3-feet x 4-feet)
- Denton (2-feet x 3-feet)

RECOMMENDATIONS:

Staff recommends that the following public hearing notification process improvements:

1. Mail out public hearing notices to property owners within a 200-foot radius of the subject property via regular mail. As evidenced by the number of unclaimed notices that are sent back to the city, not all recipients are picking up their notices from the post office. It is more cost efficient to send the notices via

regular mail. It is also more efficient for the property owner to pick up the notice at their mailbox, rather than at the post office.

2. Mail out courtesy notices to residents within 500-feet of the subject property via postcards. Notices sent to property owners may not reach those who reside in the vicinity of the proposed development. Sending courtesy notices to residents as well as the legal notices to property owners, ensures that those affected will be informed of potential development impacts in their vicinity. Extending the courtesy notice to 500-feet will continue the service which the citizens have come to expect.
3. Enlarge the minimum sign dimension from 2-feet x 3-feet to 4-feet x 4-feet.
4. Require the applicant to purchase, post, maintain, and remove the notification signs from the site. The applicant will be required to provide a signed and notarized affidavit attesting to the posting and removal of the required signs on the subject property. A date stamped photograph will be required to accompany the affidavit. Sites located on corner lots will be required to post a sign along each street. Lots that have a linear street frontage greater than 500 feet will have to post one sign per 500-feet of linear street frontage.
5. Track public notices and courtesy notices that are returned to the City. This information will be available to the Planning and Zoning Commission upon request.
6. Place a button on the Planning Division website linking to the webpage dedicated for public hearing notices.

EXHIBITS:

1. Comparison of Neighboring Cities Notification Requirements
2. Mailing Costs
3. 200-foot Postcard with Reply Card

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