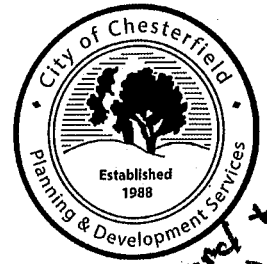


III. E



**Memorandum**  
**Department of Planning & Development Services**

**To:** Michael O. Geisel, City Administrator  
**From:** Justin Wyse, Director of Planning and Development Services  
**Date:** January 8, 2018  
**RE:** Recommended Updates to Public Hearing Advertising Process

*Please forward to  
PPW for review w/  
direction mgj  
1/8/18*

**BACKGROUND**

The Department of Planning and Development Services currently advertises Public Hearings in the Suburban Journal, as directed by the Planning and Public Works Committee in 2010. Prior to 2010, the Department published notices in both the Countian and the Suburban Journal. Following direction by P&PW, the Department policy has been to advertise zoning related petitions in the Post-Dispatch / Suburban Journal and other items (i.e. public notice for Board of Adjustment) in the Countian.

The minutes and Staff Report from 2010 cite discussion about changes in technology (notice on the City's website) and practices of posting a sign on the site as being more effective in notifying residents and businesses of proposed zoning changes than publication in the newspaper. However, RSMo Chapter 89.050 requires that the, "place of such hearing shall be published in an official paper or a paper of general circulation in such municipality." RSMo 493.050 defined papers that meet this criteria. In short, the paper shall:

- Be in the county where located and which shall have been admitted to the post office as periodicals class matter in the city of publication;
- Have been published regularly and consecutively for a period of three years; and
- Shall have a list of subscribers.

The Countian complies with this requirement and is widely used by municipalities across St. Louis County for Public Hearing notices. Additionally, the City of Chesterfield currently publishes notices for Board of Adjustment in the Countian.

The Staff Report from 2010 noted concern with how advertising costs continued to "skyrocket" with costs to advertise in the Suburban Journal having an average cost of \$570. This cost has continued to increase dramatically. The average cost in 2017 has risen to over \$950 per notification. Meanwhile, projects that included advertising Public Hearings for Board of Adjustment had an average cost of \$40, which has remained reasonably constant over the past seven years.

**CURRENT NOTIFICATION PRACTICES**

The City currently completes several practices to ensure compliance with minimum State and local Public Hearing notification requires. The table on the next page shows a comparison of the City's current practice compared to required notification procedures.

<b>Notification Type</b>	<b>State Notification Requirement</b>	<b>Practice</b>
Adjacent Property Owners	Mail notice to owners within 185 feet of the subject site	Mail notice to owners within 225 feet of the subject site (required by UDC)
Newspaper	Posted 15 days prior to public hearing	Posted in Suburban Journal 15 days (minimum) before Public Hearing
Posted Notice	Notice posted in a public area	Notice posted at City Hall in an area available for viewing at any time.
Website	n/a	Posted on City website.  Site also allows users to sign up to receive alerts for when notices are added.  Project added to Active Developments page on City website.
Trustees	n/a	Notice provided to subdivision trustees within 1 mile of the subject site (required by UDC)
Property	n/a	Public Hearing sign posted on property (required by UDC)
General Media	n/a	Information provided to several newspapers regarding all Public Hearings
Petitioner's Responsibility	n/a	Required to provide attestation that they have notified adjacent properties of the proposed change

As the table shows, the City's notification process exceeds the required notification substantially.

### **BUDGET IMPLICATIONS**

Along with the changes in 2010, City Council approved changes to the zoning ordinance (now incorporated in the Unified Development Code) that modified the fees for zoning petitions to include a direct reimbursement for all Public Hearing related publications. This change ensured that the City was not subsidizing the publication of private development generated zoning petitions, as petitioners are required to reimburse the City directly for the cost to publish the notice. However, the volatility and continued growth in this fee for the Department's advertising budget require that the Department continues to spend more each year to accommodate the largest, non-personnel related cost. Additionally, as the notices are typically for private development work, the City does not have the ability to reduce the number of notices that are posted.

### **RECOMMENDATION**

Staff does not believe that advertising in the Suburban Journal is an effective means of increasing awareness of projects to justify the ever-increasing costs; however, State law and City Code require that notification be provided in a newspaper of general circulation. Staff is recommending that the City of Chesterfield utilize the Countian as the paper of record for publication of all zoning related notices, similar to the current practice of advertising Public Hearing notices for Board of Adjustment.

I recommend that this be forward to the Planning and Public Works Committee for review and direction.