



LF031203-14

RAPID CITY REGIONAL HOSPITAL

February 24, 2003

Finance Office
City School Administration Building
300 6th Street
Rapid City, SD 57701

Director of Finance:

As per Chapter 15.28 Sign Code subparagraph 270 Appeals; Rapid City Regional Hospital is filing a Notice of Appeal of the decision of the Sign Code Board of Appeals. The decision in question is Appeal #2002-15 which was presented to the Sign Code Board of Appeals on February 19, 2003. Rapid City Regional Hospital requests that the appeal be heard at the next Rapid City Council Meeting. If you have any questions or need additional information please communicate with myself, Vernon Osterloo at 719-8915.

Sincerely,

Vernon Osterloo
Director of Construction
Rapid City Regional Hospital

MINUTES

SIGN CODE BOARD OF APPEALS February 19, 2003

The Sign Code Board of Appeals met on Wednesday, February 19, 2003, with the following members present: Ray Hadley, Jim Jackson, Dawn Mashek, Pam Lang, and Kyle Mattison. Staff present: Brad Solon and Brenda Vespsted.

Hadley called the meeting to order.

Appeal No. 2002-15 – Continued from December 18, 2002

Vern Osterloo, Rapid City Regional Hospital Inc., 353 Fairmont Blvd., Rapid City, SD 57701, applies for a variance on the interpretation of the definition of an "on premise sign" for a proposed sign to be located at 2950 S. Highway 16, legally described as Tracts AR-1 through AR-9, Tract B, Tract D, and Tract E of Regional Hospital Addition; A part of the unplatted portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; A part of the unplatted portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; A part of the unplatted portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; and All located in the SW $\frac{1}{4}$ of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, SD.

Vern Osterloo presented the green cards. Osterloo presented pictures of the sign. Jackson clarified with Solon about the purpose of this appeal, which is to determine the definition of on premise sign. Solon briefed the board on what has happened with the sign and the appeal, which the appeal had been tabled in the past and then continued in December due to uncontrollable circumstances. Hadley stated that Osterloo re-notified the adjoining property owners before this appeal because so much time had elapsed between the appeals. Osterloo showed the board a map of the hospital campus, which is divided up into several different lots. Osterloo explained the future plans of the hospital and its expansion onto this property. The sign would include an information board and directions to the hospital and emergency services. Osterloo believes that this would be an on premise sign because the property belongs to the hospital and the land adjoins other hospital land. Lang was troubled by this situation because even though this is the hospital's land, it takes a stretch of the imagination to say that the sign would be on premise for the hospital. Lang stated that the sign was not paramount to the business until they found out that the previous sign was on their land. Mattison asked about applying for an off premise sign. Solon stated that you have to have sign credits and a use on review requirement. Lang states that this would enhance the campus, but was not needed. Osterloo stated that the business does not depend on the sign, but would enhance the availability of directions to the hospital. Numerous people go to the wrong building thinking it is the hospital. Osterloo explained that this land is all part of the campus and would be developed in the future. Brad told the board about the letter of opposition from Rapid City Medical Center, which was included in the information packet. Hadley read the letter for the record. Hadley agreed some of Lang's arguments. He reminded the board that they were not there to decide if the sign was needed or not, but to decide whether or not it is an on premise sign. Solon said that the sign code says that an on premise sign is a sign that is situated on the property where the business is located. Solon explained that the property where the old sign was located is on a separate piece of real estate that could be sold in the future. The sign was situated on a vacant lot. Mattison stated that the old sign came down and that Lamar got the credits because it was their sign. Jackson stated that there are several signs in town that would not comply with the definition of an on premise sign – the Civic Center sign for example. Lang stated that the hospital is not arguing the case that this is an on premise sign, but that they found out they had a sign and then thought it would be nice to have a directional sign there. Lang stated that they would set a scary precedence if they grant the appeal. Jackson stated that the City with other

signs had already set precedence. Lang stated that we should not make any more bad decisions. Jackson believes that the interpretation is that the sign would be on his property. Jackson said that we couldn't tell people how much property they can have. Jackson says the code is vague. Jackson would be in favor of the sign. Osterloo stated that the reason for his map was to show the board that this land was part of the hospital campus. Mattison stated that the land in question is on the other side of the road where there will never be any hospital buildings. Osterloo stated that there is a building site on that hill, and they are planning a hospice center on the site. Mashek stated that they had to look at the definition of on premise and she could not support saying that this is an on premise sign. Mashek wants this to be an off premise sign. Osterloo explained that the reason that these properties were not combined into one lot was that the legal descriptions are help up in bonds and can't be changed until the bond is paid. Hadley asked Solon if the appeal was granted and the sign erected, if the land was then sold, could they put a stipulation on the recording that the sign would have to come down upon selling the land. Solon stated that the City has no control over the sale, we could record something but there is no guarantee that it would occur. Jackson made a motion to approve the interpretation to be that the sign would be on premise with the possible stipulation that if the property was sold that the sign would have to come down. There being no second, the motion died. Hadley stated that if there is a motion to deny, Osterloo could then go before the City Council. Lang made a motion to deny with a second by Mashek. Osterloo stated that he could almost guarantee that they would not sell the land because of the unavailability of land around the hospital. They discussed the option of an off premise sign. The old sign has been down since December 2002. Motion to deny carries 3-2.

Lang moved to approve the minutes of December 18, 2002, with the correction of some minor tying errors. Second by Jackson.

There being no further appeals to come before the board at this time, the meeting adjourned.

**CITY OF RAPID CITY
BUILDING INSPECTION DIVISION
300 Sixth Street
(605) 394-4157**

**NOTICE OF APPEAL
FROM THE REQUIREMENTS OF THE RAPID CITY SIGN ORDINANCE**

Place of Hearing: Building Inspection Division
City/School Administration Building
300 Sixth Street
Rapid City, South Dakota 57701

Date of Hearing: February 19, 2003 **Time:** 7:00 A.M.

Appellant: Vern Osterloo

Address: 353 Fairmont Blvd.
Rapid City, SD 57701

Owner: Rapid City Regional Hospital Inc.

Address: 353 Fairmont Blvd.
Rapid City, SD 57701

The undersigned hereby applies to the Sign Code Board of Appeals for a variance in the application of the sign ordinance, affecting the following described premises in the manner and on the grounds hereinafter set forth:

Variance Location: 2950 S. Highway 16

Legal Description: See Attached

Zoning: General **Lot Frontage:** 400' **Lot Depth:** Varies

Type of Proposed Sign: Welcome to Rapid City and directional to RCRH

State specific requirement of the Rapid City Sign Ordinance relative to variance request:

The definition and interpretation "on premises sign" as contained in the sign definition.

As required by Rapid City Sign Ordinance section: CHAPTER 15.28.020

State specific variation from Rapid City Sign Ordinance:

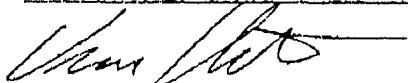
Appellant desires a proper interpretation of the definition of "on premises sign". The denial was due to a clearly erroneous interpretation of "off premises sign. Such denial was improper in light of the facts contained in the application.

State exceptional topographic conditions or other extraordinary or exceptional situation or condition of the premise not prevalent in the area.

Due to the topographic conditions, the proposed sign will not obstruct views in the area except that of a hill.

State how the strict application of the sign ordinance will result in unnecessary hardship upon the owner of this property:

Interpretation by City of Rapid City of "off premises sign" denies owner the opportunity to relay information for directions to Rapid City Regional Hospital.


Vern Osterloo

2-10-03

Appellant

Date

Reviewed by

Date

Rapid City Regional Hospital, Inc.

Owner

Date