

MINUTES

SIGN CODE BOARD OF APPEALS June 20, 2007

The Sign Code Board of Appeals met on Wednesday, June 20, 2007, with the following members present: Peter Neumann, Chairman; Gary Brown, Dennis Hettich, Leslie Rutter, and Jim Jackson. Staff present: Brenda Vespested and Brad Solon, Development Service Center; and Karie Price, City Attorney's Office.

Neumann called the meeting to order.

Appeal No. 2007-3

Dream Design International Inc., 528 Kansas City Street; Suite 4, Rapid City, SD 57701, applies for a variance to allow a billboard to be 880 feet from another billboard in lieu of the 1,000 feet required per Section 15.28.160 of the Rapid City Municipal Code for a billboard to be located at 725 Elk Vale Road, legally described as GL 1 Less W660' & Less Lots H2 & H5; SE1/4NE1/4 Less W660' of N1081.18' Less Lots H2 & H3 Less Rushmore Regional Industrial Park, Sec 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Solon gave the video presentation. The green cards were turned in before the meeting. Duane Pankratz and Mike Stanley were present for the appeal. Stanley said that the sign needs to be placed in this location for visibility. Pankratz said that the problem is the billboard to the north. Pankratz said that Epic Outdoor Advertising put in a petition to put up the two existing billboards when the property was still in the county; he was at that meeting and told the county not to allow this because the proper spacing may not be there to put up billboards on his side of the road, but the County allowed Epic to place the signs in the current location. Jackson moved for approval for discussion, with a second by Brown. Jackson asked about the sight triangle. Solon said that the sign would not be in the sight triangle. Appeal No. 2007-3 was approved to allow a billboard to be 880 feet from another billboard by a vote of 5-0.

Appeal No. 2007-8

Lamar Advertising, 7509 N Hwy 79, Rapid City, SD 57701, applies for a variance to allow an off premise ground sign to be 500 feet from another off premise ground sign in lieu of the 1,000 feet required, to allow the same off premise ground sign to be 378 square feet in size in lieu of the 250 square feet required, and to allow the same off premise ground sign to be 50 feet in height in lieu of the 30 feet required per Section 15.28.160 of the Rapid City Municipal Code for a sign to be a located on S Highway 79, legally described as Lot C of NW1/4NW1/4 Less Lot H1, Sec 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Solon gave the video presentation. The green cards were turned in before the meeting. Steve Blake from Lamar was present for the appeal. Blake said Lamar had a sign that was 400 square feet, and the sign was taken down when the State changed the road and then the property was annexed into the City after the sign was taken down. Blake said that the road is very high now and the spot where the sign will be going is very low. Neumann said that there are 2 letters of opposition. The South Dakota DOT sent a letter stating that the land had to be zoned commercial or industrial for any new billboard installation. Solon said that City has applied to rezone this property per the long range zoning map and this property will be on the next Planning Commission agenda, which will be tomorrow (6/21/07). The other letter was from the E.M. Hoff Family Ranch LP. Kay Paschke was present in opposition of the appeal as a

Managing Partner of the E.M. Hoff Family Ranch LP. Paschke said that they own the property on three sides of the property where the sign is proposed, and they think that there are too many signs in the area. Paschke also thinks the old sign is illegal to replace or move. Solon said that the sign was in the County at the time it was taken down, so he doesn't know if there was anything wrong with the sign at that time. Blake said that it was a legally permitted sign in the County. Neumann would like to see what the property will be zoned. Hettich would like to vote on the sign with stipulations. Jackson moved to approve for discussion, but the motion died for a lack of a second. Jackson has a problem with the sign because of safety issues at the exit ramps, the height, and size. Hettich agreed and would approve the proposed sign if it stayed within the height and square footage requirements. Brown commented that he has a feeling that the vote will go through tomorrow to rezone the property, but he has a problem with visibility in the area of the sign. Rutter also said that she would vote against the sign because only the height would be a hardship issue. Paschke said the power company will have problems with the power lines running through the property. Jackson moved to approve for discussion, with a second by Hettich. Jackson cannot approve the sign because of safety reasons, height, and size. Brown made a substitute motion to deny the request, with a second by Jackson. Appeal No. 2007-8 was denied by a vote of 5-0.

Appeal No. 2007-9

Unique Signs Inc., 118 Main Street, Rapid City, SD 57701, applies for a variance to allow an on premise ground sign not 10 feet clear from grade to be 1 foot from the property line in lieu of the 10 feet required, and to allow on premise ground signs to be 80 square feet in size in lieu of the 50 square feet required as per Section 15.28.200 of the Rapid City Municipal Code for signs to be located at 330 E Stumer Road, legally described as Lot 1B, North 80 Subdivision, Sec 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Solon gave the video presentation. The green cards were turned in before the meeting. Swede Larson from Unique Signs was present to speak on the appeal. Larsen said that the original plan for the properties was a Planned Unit Development with 2 buildings on the same lot. Dr. Williams sign was going to be on 5th Street under Dr. Kharouf's sign. But the lot was split, and now Dr. Williams can't put his sign under Dr. Kharouf's because Dr. Williams sign is now considered off premise. Larson said that the old sign code stated that the sign had to be 10 feet from grade or 10 feet from the street, but the new sign code states that the sign must be 10 feet from the property line instead of the street. Larson said that there is a 20 foot strip of land between the property line and the street, so Dr. Williams would like to put the sign 1 foot from the property line and be allowed 80 square feet of signage. Brown asked about allowing larger signs. Solon said that you have to look at the frontage of the lots; Dr. Kharouf has frontage on 5th Street and on E Stumer Road, but Dr. Williams only has 25 feet of frontage on E Stumer Road. Larson said that there is also an 8 foot utility and drainage easement around these lots and he has applied for a vacation of a portion of the easement to put this sign 1 foot from the property line. Jackson moved to approve, with a second by Hettich. Appeal No. 2007-9 was approved for an on premise ground sign not 10 feet clear from grade to be 1 foot from the property line and to allow on premise ground signs to be 80 square feet in size by a vote of 4-0, with Rutter abstaining.

Draft

Appeal No. 2007-10

Dream Design International Inc., 528 Kansas City Street; Suite 4, Rapid City, SD 57701, applies for a variance to allow a joint identification sign to be 400 square feet in area in lieu of the 200 square feet required, to allow a joint identification sign to be 38 feet 6 inches in height in lieu of the 15 feet required, and to allow individual on premises ground signs for restaurants within the development complex; as required per Section 15.28.225 of the Rapid City Municipal Code for signs to be located at Rushmore Crossing, legally described as a parcel of land located in the SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, NW1/4SW1/4 of Section 29 and the NE1/4SE1/4, NW1/4SE1/4, NE1/4SW1/4 of Section 30, and the NW1/4NE1/4 of Section 32; T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Solon gave the video presentation. The green cards were turned in before the meeting. Mike Stanley from Dream Design was present to speak on the appeal. Stanley said that these signs are to be the joint identification signs for the main section of Rushmore Crossing. Stanley said that the joint identification sign boundary has been expanded to include the signs and the boundary is now being reviewed by Marcia Elkins. Stanley said that everyone within the development boundary would have a chance to advertise on that sign and that is the only sign advertising that they get besides the wall signs. Stanley said that there are two shopping center entrance signs that are in a different section of the sign code. The joint identification signs will be along the interstate according to Stanley. Stanley said that the reason for the variance request is to get the text type and brand logos larger so they can be seen at a minimum of 1,500 feet away, this will allow people to make exit decisions when traveling on the interstate. Jackson asked if there were any existing signs in the corridor. Stanley said that there is a temporary sign that will stay until the new signs are built. Solon clarified that the existing sign was for the Berry Patch Campground, which now no longer exists. Stanley said that the existing sign will be removed. There was discussion about other developments that might request a similar variance. Hettich moved to approve the height of 38 feet 6 inches and area of 400 square feet for joint identification signs, but each individual ground sign for restaurants must come in for approval; with a second by Rutter. Appeal No. 2007-10 was approved for a height of 38 feet 6 inches and are of 400 square feet for joint identification signs, but each individual ground sign for the restaurants must come in for approval by a vote of 5-0.

Hettich moved to approve the minutes of May 16, 2007, with a second by Brown. Motion carried 5-0.

There being no further appeals to come before the board at this time, the meeting adjourned at 7:45 a.m.