

**CITY OF RAPID CITY
FINANCE OFFICE
300 Sixth Street
(605) 394-4143**

**NOTICE OF APPEAL
FROM THE REQUIREMENTS OF THE RAPID CITY SIGN ORDINANCE
CHAPTER 15.28 – SIGN CODE**

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

Date of Hearing: 11-05-07 City Council Time: 7:00 p.m.

Appellant: Dream Design Int., Inc.

Address: 528 Kansas City Street, Suite 4
Rapid City, SD 57701

Owner: Rapid Center, LLC

Address: 5850 Avenida Encinas, Suite A
Carlsbad, CA 92008

The undersigned hereby applies to the Rapid City Common Council 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: Forefather Flats Subdivision Area

Legal Description: See Attached. Located within Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Zoning: GC **Lot Frontage:** approx. 2,615 feet **Lot Depth:** approx. 914 feet

Type of Proposed Sign: Joint Identification Sign

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


15.28.225 Maximum Area Allowed: 200 square feet, Maximum Height Allowed: 15 feet.

Individual on premises ground sign will not be allowed. Request to allow Individual on premises ground signs for Restaurants within the development district.

As required by Rapid City Sign Ordinance section: 15.28.225

Joint Identification Signs

Please note the signs are larger as they are multi-tenant display signs that support numerous businesses and must be read at a minimum distance of 1500 feet. Developments of this type typically allow signage of this size. The visibility of the signs along the Interstate are essential to allow adequate decision distance for safe maneuvering and exiting.

Appellant	Date
RAPID CENTER LLC BY William M Grosse	10-23-07
Owner	Date
	

Metes and Bounds Description

Lot 3 of Starlite Subdivision, and
A portion of the SW ¼ of Section 28,
Located in the of SW ¼ of Section 28,
T2N, R8E, BHM,
Rapid City, Pennington County, South Dakota

More fully described as follows:

Commencing at the westerly corner of Lot 3 of Starlite Subdivision, Section 28, 2N, R8E, BHM, and the point of beginning;

Thence, first course: N67°14'23"W, along the northerly right-of-way of Interstate 90, a distance of 334.75 feet, to the southeasterly corner right-of-way, common to the northerly right-of-way of Interstate 90 and the easterly right-of-way of Dyess Avenue;

Thence, second course: N00°08'30"W, along the easterly right-of-way of said Dyess Avenue, a distance of 678.69 feet, to the southeasterly corner of right-of-way, common to the easterly right-of-way of said Dyess Avenue and the southerly right-of-way of East Mall Drive;

Thence, third course: S89°57'47"E, along the southerly right-of-way said East Mall Drive, a distance of 634.77 feet;

Thence, fourth course: S00°00'21"W, a distance of 207.54 feet;

Thence fifth course: N82°30'20"E, a distance of 306.79 feet;

Thence sixth course: N90°00'00"E, a distance of 599.81 feet;

Thence seventh course: N00°00'00"E, a distance of 168.29 feet, to a point on the southerly right-of-way of said East Mall Drive;

Thence eighth course: N89°53'21"E, along the southerly right-of-way of said East Mall Drive, a distance of 64.02 feet,

Thence ninth course: S00°00'00"E, a distance of 33.02 feet;

Thence tenth course: S90°00'00"W, a distance of 28.00 feet;

Thence eleventh course: S00°00'00"E, a distance of 135.40 feet;

Thence twelfth course: N90°00'00"E, a distance of 1044.94 feet, to a point on the Section ¼ Line;

Thence thirteenth course: S00°02'40"E, along the said Section ¼ Line, a distance of 754.29, to the northwesterly corner of Lot E of the S ½ of the SE ¼ of Section 28, T2N, R8E, BHM;

Thence fourteenth course: S00°02'40"E, along the westerly boundary of said Lot E, common to the said Section ¼ Line, a distance of 83.20 feet, to the southwesterly corner of said Lot E, common to a point on the northerly right-of-way of said Interstate 90;

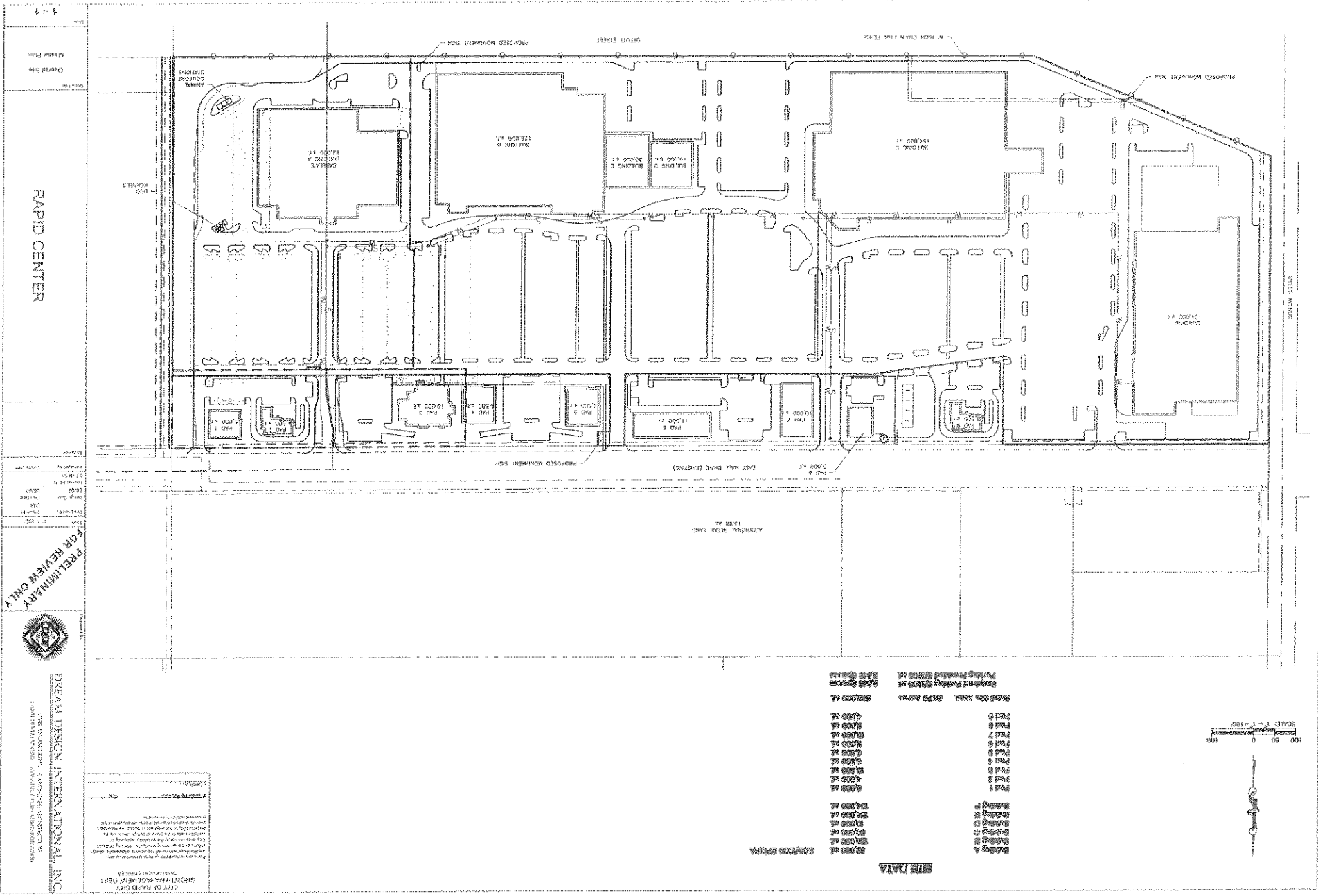
Thence fifteenth course: N89°50'03"W, along the northerly right-way-of said Interstate 90, a distance of 1752.28 feet, to the southeasterly corner of said Lot 3 of the Starlite Subdivision;

Thence sixteenth course: N89°50'03"W, along the southerly boundary of said Lot 3 of the Starlite Subdivision, common to the northerly right-of-way of said Interstate 90, a distance of 300.00 feet, to the southwesterly corner of said Lot 3 of the Starlite Subdivision;

Thence seventh course: N67°14'23"W, along the southwesterly boundary of said Lot 3 of the Starlite Subdivision, common to the northerly right-of-way of said Interstate 90, a distance of 279.40 feet, to the said westerly corner of said Lot 3 of the Starlite Subdivision, and the point of beginning.

Said Parcel contains 2,005,875 square feet or 46.049 acres more or less.

July 16, 2007
Renner & Associates
616 Sixth Street
Rapid City, SD 57701
(605) 721-7310



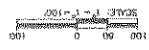
RAPID CENTER

PRELIMINARY FOR REVIEW ONLY



DREAM DESIGN INTERNATIONAL, INC. 1000 S. MAIN STREET, SUITE 100, DENVER, CO 80202

CITY OF RAPID CITY MONTHLY ENGINEERS DEPT. 1000 S. MAIN STREET, SUITE 100, DENVER, CO 80202



Graphics presentation only. Please conform actual colors & materials.

JOB NUMBER
SALES

CLIENT
RAPID CITY RETAIL
FOUR SQUARE PROPERTIES

CLIENT ADDRESS
RAPID CITY, SD

PHASE
DESIGN
FABRICATION

DESIGNER/REVISER/DATE
SK 03 24 07
SK 06 22 07
SK 06 29 07

Strapco city total
SALES ASSOCIATE
OF TRIPP

CLIENT APPROVAL
INCLUDES COLORS
SPELLING, ARTWORK
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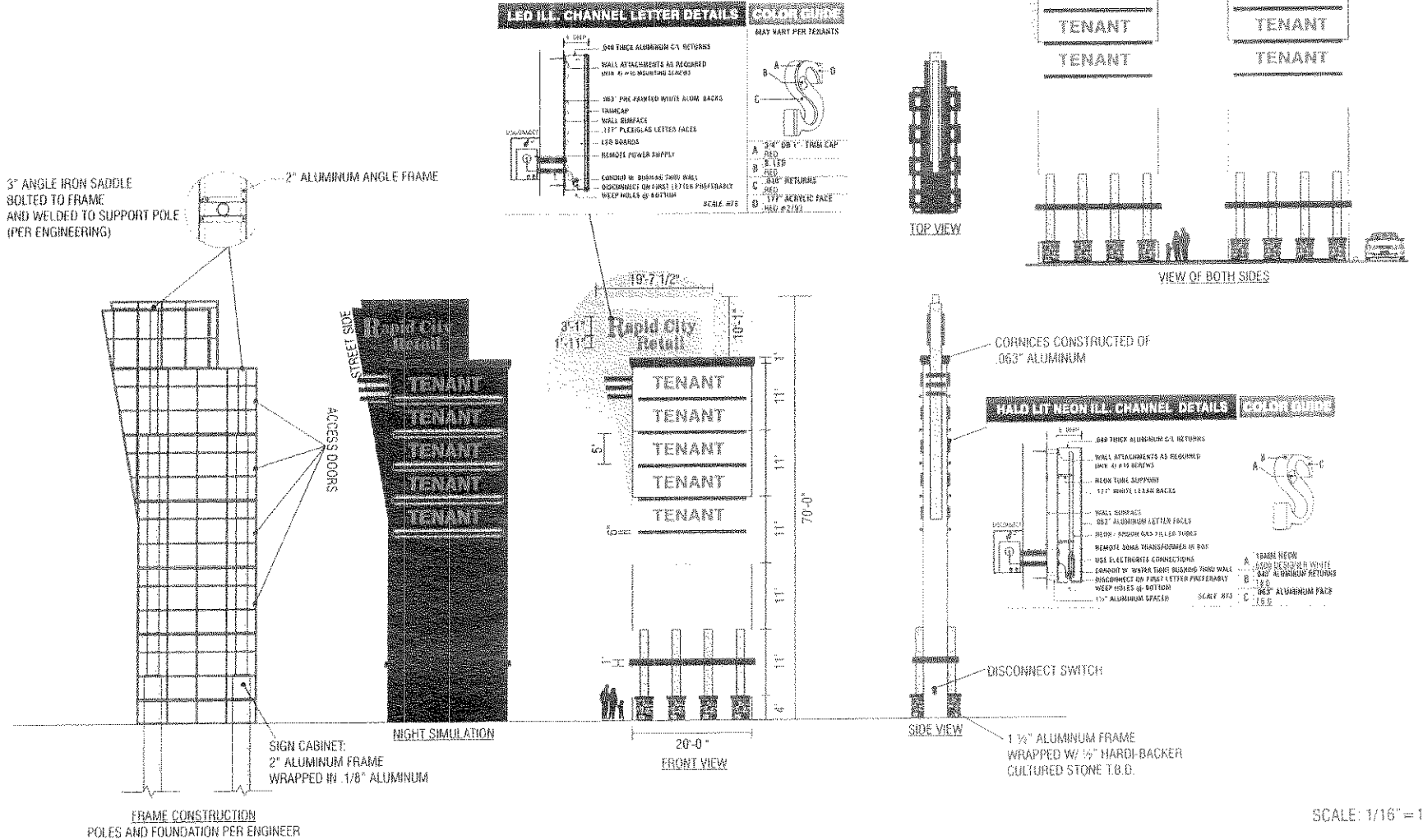
HUPP
DESIGN
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INSTALLATION
SERVICE

78 LOREN AVE.
CHICO, CA. 95926
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FAX
530 345 0424

PAGE 1 OF 3

70' MONUMENT SIGN - 2 TOTAL DUPLICATE

542 SQ FT OF TENANT SIGNAGE SPACE
PAINT COLORS T.B.D.



Graphic presentation only
Please confirm actual
colors & materials

JOB NUMBER

SALES

CLIENT
RAPID CITY RETAIL
FOUR SQUARE PROPERTIES

CLIENT ADDRESS
RAPID CITY, SD

PHASE
DESIGN
FABRICATION

DATE(S) ORDERED / DATE
SK 06 21 07
SK 06 22 07
SK 06 29 07

3 rapid city retail
SALES REPRESENTATIVE
JAY HUPP

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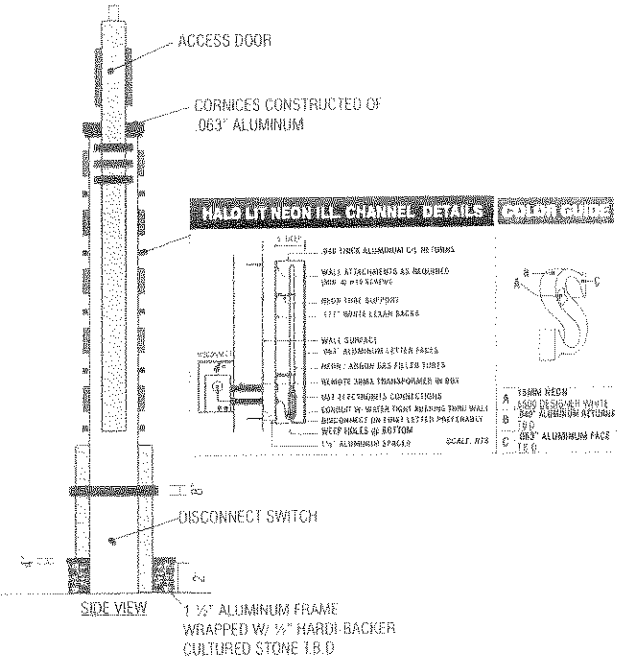
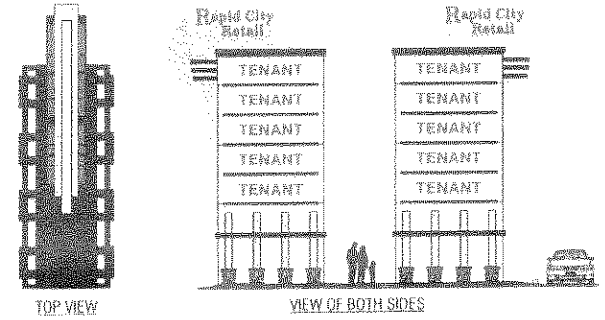
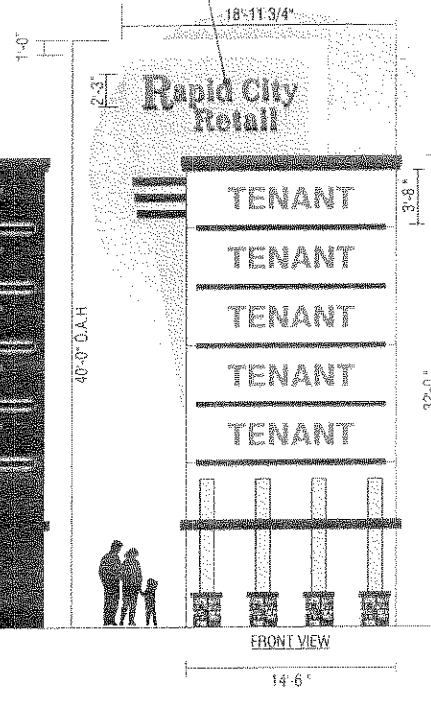
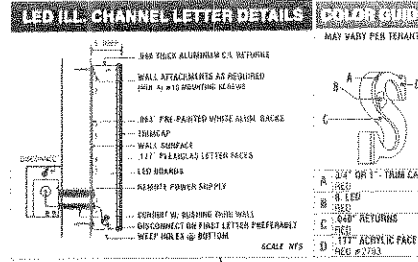
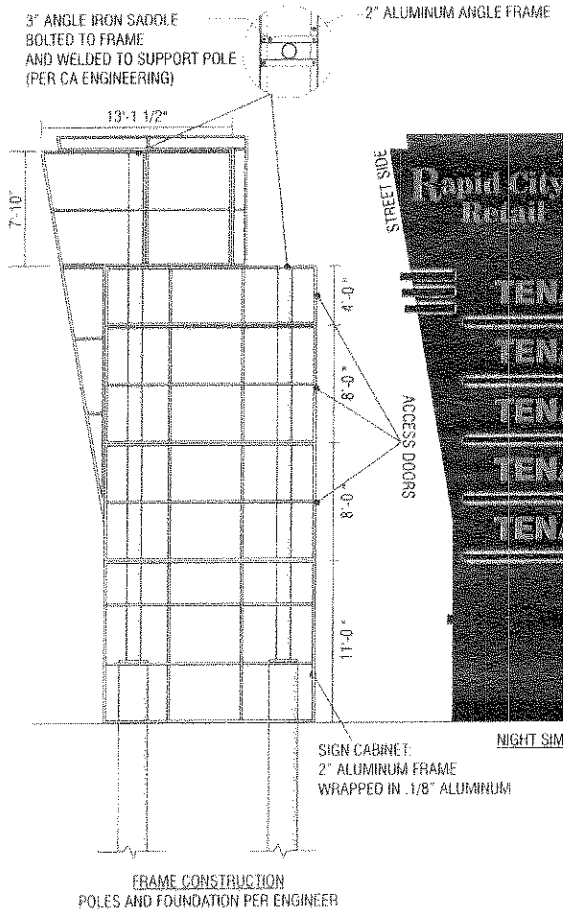
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PAGE 2 OF 3

40' MONUMENT SIGN - 1 TOTAL

285 SQ FT OF TENANT SIGNAGE SPACE
PAINT COLORS T.B.D.



SCALE: 1/8" = 1'

Draft

MINUTES

SIGN CODE BOARD OF APPEALS
October 17, 2007

The Sign Code Board of Appeals met on Wednesday, October 19, 2007, with the following members present: Peter Neumann, Chairman; Gary Brown, Kyle Mattison, Dennis Hettich, and Bob Hurlbut. Staff present: Brenda Vespested and Brad Solon, Development Service Center; and Joel Landeen, City Attorney's Office.

Appeal No. 2007-12 Continued from September 19, 2007

Dream Design International Inc., 528 Kansas City Street, Suite 4, Rapid City, SD 57701, applies for a variance to allow joint identification signs to be 70 feet in height in lieu of the 15 feet required and to allow joint identification signs to be 1,200 square feet in area in lieu of the 200 square feet required as per Section 15.28.225 of the Rapid City Municipal Code for signs to be located at the property legally described as Lot 3 of Starlite Subdivision and a Portion of the SW1/4 of Section 28, Section 28; T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Solon gave the video presentation. The green cards were turned in at a previous meeting. Mike Bender from Dream Design International Inc. was present for the appeal. Brown asked if someone went before the City Council to propose an ordinance change for the height of joint identification signs. Landeen said that nothing had been done and it would be quite a few months before anything happens. There was discussion on the height of signs along the interstate. Solon said that Applebees got a variance, Chili's variance was denied, Conoco got a variance, Acres Hospitality got a variance, Super 8 got denied, and Ramkota and AmericInn got a variance. Neumann said that they were looking at the contour of the land when considering these variance requests. Landeen said that the part of the ordinance that deals with joint identification signs requires the signs to be no more than 15' tall; but if it were just one business on the site, the sign could be 45' tall. Solon said that Rushmore Crossing got a variance for their joint identification signs to be 38'6" tall. Bender said that the Sign Code Board of Appeals should have some standards for their decisions so they can defend their decisions. Neumann said that they have been looking at topographical conditions as standards to grant sign height variances. Solon said that at 45', these joint identification signs are not going to be seen by traffic coming from the east. Ron Callahan from Black Hills Truck & Trailer said that he would agree with 45'. There was discussion on hearing the two parts of this variance request separately. Mattison moved to approve a maximum height of 45' for 3 joint identification signs, with a second by Hettich. Appeal No. 2007-12 was approved for a maximum height of 45' for 3 joint identification signs by a vote of 5-0.

Appeal No. 2007-18 Continued from September 19, 2007

Dream Design International Inc., 528 Kansas City Street, Suite 4, Rapid City, SD 57701, applies for a variance to allow the total area of wall signs to be 2,251.3 square feet in lieu of the 1,131.82 square feet allowed per Section 15.28.190 of the Rapid City Municipal Code for signs to be located at 3231 E Mall Drive, legally described as Lot 3, Forefather Flats Subdivision, Section 28; T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

Solon gave the video presentation. The green cards were turned in at the previous meeting. Mike Bender from Dream Design International Inc. was present for the appeal. Bender showed the board the elevations of all sides of the buildings and where the signs will be on the building.



Solon said that they are asking for almost twice the square footage for wall signs than what is allowed. Bender said that they have no plans for a ground sign and are relying on their wall signs. Solon said that the sign code allows 2 times the frontage for walls signs and 2 times the frontage for ground signs; so they are basically using the square footage allowed for both the wall and ground signs for just the wall signs. Hettich moved approve the area for walls signs to be 2,251.3 square feet with the stipulation that there be no pole signs, second by Brown. Appeal No. 2007-18 was approved for the area for walls signs to be 2,251.3 square feet with the stipulation that there be no pole signs by a vote of 5-0.

Appeal No. 2007-19

Dream Design International Inc., 528 Kansas City Street; Suite 4, Rapid City, SD 57701, applies for a variance to allow 2 wall signs with a maximum combined square footage of 200 square feet in lieu of the one 32 square foot sign required as per Section 15.28.190 of the Rapid City Municipal Code for signs to be located at 1225 Eglin Street, legally described as a portion of the SW ¼ of the SW ¼ of Section 29, and a portion of SE ¼ of the SE ¼ of Section 30, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N03°14'31"W, a distance of 908.51 feet to the point of beginning; thence, first course N28°40'12"E, a distance of 58.62 feet; thence, second course: S61°19'48"E, a distance of 83.33 feet; thence, third course: N28°38'27"E, a distance of 163.57 feet; thence, fourth course: S61°19'48"E, a distance of 250.17 feet; thence fifth course: S28°40'12"W, a distance of 236.73 feet; thence sixth course: N60°55'15"W, a distance of 250.17 feet; thence seventh course: N61°13'39", a distance of 47.70 feet; thence eighth course: N41°43'18"W, a distance of 37.74 feet, to the point of beginning; containing 64,702 square feet or 1.485 acres more or less.

Solon said that this request is for Scheels. Solon explained to the Board the Scheels lot has no street frontage, so therefore they can only have 32 square feet of walls signs. Solon said that they are working with Growth Management on using the rear access easement road to count as frontage. Bender said that they do not have an answer from Growth Management that this time as to whether or not they can consider the rear access road as frontage. Brown moved to continue the appeal until November 21, 2007, with a second by Mattison. Appeal No. 2007-19 was continued until November 21, 2007, by a vote of 5-0.

Hettich moved to approve the minutes of August 15, 2007 and September 19, 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 7:35 a.m.