

DRAFT

MINUTES

SIGN CODE BOARD OF APPEALS December 16, 2009

The Sign Code Board of Appeals met on Wednesday, December 16, 2009, with the following members present: Gary Brown, Jim Jackson, Dennis Hettich and Bill Waugh Council Representative. Staff present: Brad Solon and Susan Donat, Development Service Center; and Mike Schad, City Attorney's Office. Terry Olson and Doug Rumpca from Lamar Outdoor Advertising. Guests present: Debra Jansen, President of the Mt Rushmore Group, Lisa and Mike Modrick of Modrick's Travel, Tom Katus Consultant for the Crazy Horse Beautification project, Rich Grable of Grable Investments, Mike Quasney, Patricia Pummel of the Mt. Rushmore Group, and Todd Koehne a licensed contractor for Sign Service and Supply.

Solon called the meeting to order at 7:03 a.m. Solon presided over the meeting.

Appeal 2009-12

Terry Olson, Lamar Outdoor Advertising 3839 Sturgis Road, Rapid City 57701 applies for a variance to exceed the height and square footage of an off premise sign, to reduce the spacing from other off premise signs, to allow an on premise sign within 50 feet of an off premise sign and to allow an over head service lateral for an off premise sign per Section 15.28.160 of the Rapid City Municipal Code located at 1808 Mount Rushmore Road, legally described as Lot 1-3, Block 21, West Boulevard, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Solon presented the appeal to the Board and showed the video.

Olson presents the appeal to the board and guests. Olson states that the Rapid City codes are some of the strictest codes he has had to work with. What Lamar is requesting is to keep the sign the same size but to change the north face to digital. Olson reviews that the digitals Lamar installs do not blink, flash or scroll, they are static messages. The appearance of the sign will not change with the exception of the north face to be digital. At this time there may need to be some structural changes but this has not been presented to the engineers at Lamar. The billboard will not be any larger with a north side digital. Olson reviews other billboards that Lamar had completed and the processes that took place; Stone Cold Creamery was an example. The history of Lamar working within the codes and variances were reviewed by Olson, numbers of billboards that were installed and taken down. The specifications of the height of the billboard were discussed. Olson also addressed that in the spirit of reduction a large billboard on highway 79 would be taken down. Olson reiterated the Lamar digital billboards do not blink, flash or scroll. Other digital billboards in town were reviewed. Olson reminded the board that this billboard will be there forever. Olson described their billboards as a mini business, they maximize profit. No new billboard has been built in Rapid City in the last seven years. Olson stated that the Sign Code is working but is asking for some flexibility. The cost and the green effect were discussed. Olson reiterated that the billboard is not going to be enlarged, staying the same with a digital north face. Olson opened the floor for questions.

Solon asked if there were any comments from the board.

Brown asked to hear from the guests of Mt. Rushmore Road.

Solon advised for the guests to go one at a time.

Debra Jansen, the President of the Mt. Rushmore Road Group presented her concerns regarding this appeal. The Mt Rushmore Road group consists of residents, business owners and property owners and their main purpose is liability, attractiveness and safety for this vital corridor. A yearlong study was completed by the engineer firm, Kadrmus, Lee and Jackson and the results were "visual clutter" and "driver overload" with safety issues due to the narrow roadway. The Mt. Rushmore Road Group understands that Lamar would also like a safer and more attractive roadway and yet be competitive. This billboard is the biggest and exceeds the size limitations as of today with Lamar receiving the financial rewards. Mt. Rushmore road is about to change. We believe for the betterment of the entire community that a seemingly insignificant decision on a sign could actually have a significant impact on the safety, future design, grants, designation and ordinances for this important corridor. Jansen has received emails from several businesses that are opposed to this variance.

Lisa Modrick of Modrick's Travel expresses her concern as a business owner. Modrick's Travel is immediately affected by the billboard filling their entire window. On behalf, of Mt. Rushmore Road the path is reviewed by Lisa; past, present and future. Mt. Rushmore Road is about twenty years behind in progress. There is a huge support system that states we are no longer in the past but proceeding directly to the future. Lisa Modrick reviews the options of the sign and the future of making an attractive roadway.

Tom Katus is a member of the Mt. Rushmore Road Group but also is a technical writer that currently consulted for the Crazy Horse City By-way. Katus states that he has dealt with both state and federal regulations due to his history of working with the scenic by-way. If Mt. Rushmore Road beautification goes forward the federal regulations will need to be followed. Katus proceeded to read the regulations. Katus advised that the more variances that are approved it would be more difficult to control in the future.

Mike Quasney a business owner on Mt. Rushmore Road. Quasney discusses Wilson Park and the opportunities for the parks future. Part of Quasney's vision is to challenge Lamar and the Sign Board to join them in making Mt. Rushmore Road a point of interest and invites Lamar to the meetings to make this vision happen.

Rich Grable a business owner on Mt. Rushmore Road who is also concerned on how much time is put into this project and why not help to achieve with the vision.

Mike Modrick of Modrick's Travel discussed his concern of safety. The safety of the Mt. Rushmore Road and St. Patrick Street intersection was discussed. There is already distractive driving on this road.

Patricia Pummel a member of Mt. Rushmore Group would like to learn of better options of the removal of the billboard on Highway 79 or others on Mt. Rushmore Road. She encourages that Lamar come to the meetings for the Group. Discussion on signs in Colorado and in Rapid City followed. Pummel stressed that Lamar should attend the meetings so questions can be addressed and they can assist in the vision.

Todd Koehne with Sign Service and Supply (licensed contractor) advised that he can see that LED and flashing signs can be distracting and this can be a bad intersection. Discussion regarding safety issues followed.

No comment from Emily with the Rapid City Journal.

Olson responded that Lamar was working on Mt. Rushmore Road project before the committee had started and reviewed what they had completed. Olson reviewed the history of Lamar and stated that they live here and are responsible but get thrown in with the other renegade companies. Olson addressed the Boulder CO signage and the specifications. Regarding safety as you know Lamar is a national company and all of the employees are up to speed on all the safety regulations. Data studies versus literature studies were discussed.

Lisa Modrick asked what kind of revenue, contribution, tax or fee that the billboard makes the city. Discussion followed.

Olson suggests if you get the business to lower their off premise signs he will lower this billboard.

Mike Modrick responds that they have conformed to all codes. Discussion followed regarding codes and concerns.

Olson would like to negotiate and he does not want to make enemies. He asked what the Mt. Rushmore Group would have them do.

Response is unanimous to reduce the billboard.

Mike Modrick advised that soon all will be asked to reduce.

Discussion on safety was addressed.

Jackson asked Solon if the billboard was conforming. Solon advised that it was legal but not conforming; when it was put up it did meet code. It was in compliance when it was built.

Brown made a motion to deny the variance. Jackson second the motion.

Open Discussion.

Jackson discusses the concern for safety and if the billboard is lowered the other businesses behind the sign may be blocked and what service is being provided to them. .

Lisa Modrick interjects that when they make a change they need to conform.

Jackson advises that they could make the sign smaller and conform but will it hurt the other businesses is his concern. Discussion follows.

Quasney challenges Olson to come to the meetings and assist in making the vision of Mt. Rushmore Road a point of interest.

Mike Modrick asked if he can answer Jackson's question, "why should you vote to deny this when they can just lower it?" Deny what they are asking for now, we don't know if it will be cost effective for them to lower this or make it smaller and they haven't decided to do this yet. Vote to deny on the safety issue now and deal with what Olson decides later if it needs to be addressed.

Discussion follows.

Jackson suggests changing the codes to work for them.

Brown advised that sign companies are getting a public back lash. Discussion follows and Brown stresses that Lamar and other sign companies go to these meetings. It would be an advantage for everyone.

Koehne asked dimensions of the billboard and what was conforming. Discussion follows.

Jackson advises that the sign companies work for the businesses. Change the codes and they will comply with the codes.

Non-conforming signs were discussed.

Schad read what that the board's power to do for variances. Discussion followed.

Solon asked if there was any more discussion

Olson commented on the code, FYI even though there is a strict Rapid City code there is also a state code to that is governed by the federal highway act that you can't limit billboards. On any federally funded highway you cannot outlaw billboards.

Solon reviewed the motion on the floor and asked if there was any more discussion.

The motion to deny was carried 4-0. This can be appealed to City Council.

Jackson made a motion to approve the minutes of the November 18, 2009 meeting. Brown second the motion. Motion to approve minutes carried 4-0..

There being no further appeals to come before the board at this time, the meeting was adjourned at 8:07 a.m.