CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Community Planning & Development Services Department

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MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Brett Limbaugh, Director CPDS

DATE: September 4, 2012

RE: Off Premises Sign Appeal Case 2012-06, 645 Century Road

Wayne Kummar applied for a variance to convert an existing on-premises sign to an off-premises sign at 645 Century Road. The sign in question contains sign cabinets for AAMCO and Triple R Vet & Tack. Both cabinets and a three-dimensional model of a horse are mounted to a dual pole. The applicant is in the process of subdividing the property into two parcels. As a result of a proposed subdivision the sign would become off-premises for the AAMCO parcel. A copy of the proposed subdivision is attached along with pictures of the sign.

Per the Rapid City Sign Code the conversion of an on-premises sign to an off-premises sign must be reviewed by the Sign Code Board of Appeals who will then forward a recommendation to the City Council for approval or denial. **The Sign Code Board of Appeals reviewed this case on July 18, 2012 and has forwarded a recommendation for approval to the City Council with the stipulation that only the businesses occupying the subject property be allowed to advertize on the sign.**

The following page contains the Sign Code Board of Appeals minutes and the Sign Code Section 15.29.070 regarding the application and approval procedures for the conversion of on-premises signs to off-premises signs.

EQUAL HOUSING OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Minutes of the Sign Code Board of Appeals
City/School Administration Building, Third Floor East Conference Room, July 18, 2012 - 7:00 a.m.

Appeal 2012-06
Wayne Kummer, P.O. Box 1660, Rapid City, SD, 57709, applied for a **Variance to the Sign Code to allow an existing on premise sign to be converted to an off premise sign for subdivision of property (15.28.050Q) of the Rapid City Municipal Code** for the property located at 645 Century Road, legally described as Lot A of Lot 1 of the NW 1/4 SW ¼ located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. Bechtel read the appeal and presented video of the property. Fisk presented the applicants plans stating that the property is being split and the sign will not be changed.
After a brief discussion **Jim Jackson entertained a motion to recommend to council that the current sign be allowed to be converted to an off premise sign as long as the two businesses that are on this property only, advertise on the sign, second by Swank and motion carried with Swank, Jackson, Clayton and Neumann voting yes and none opposed.**

15.29.070 Conversion of certain on-premises signs to off-premises signs.

Notwithstanding Section 15.29.010, certain on-premises signs may be converted to off-premises signs if all of the following criteria are satisfied:

1. The sign that is being converted must be a legal, pre-existing, on-premises sign.
2. The conversion of the sign from an on-premises sign to an off-premises must be the result of the subdivision of an existing platted parcel of land.
3. The Rapid City Common Council determines, based on the totality of the circumstances taking into consideration the size, location, height and design of the current sign, and the location and topography of the parcel being served by the sign, that allowing the existing sign to remain will not be contrary to the public interest and will be in the best interests of justice.
4. The process for getting approval to convert a legal on-premises sign to an off-premises sign under this exception is as follows:
    a. Application to convert the sign from an on-premises sign to an off-premises sign must be submitted to the Sign Code Board of Appeals who shall review the application for compliance with the mandatory criteria and after having reviewed the application shall forward a recommendation for approval or denial to the Rapid City Common Council;
    b. The Rapid City Common Council shall review the application, along with the recommendation of the Sign Code Board of Appeals, and must determine that all the mandatory criteria are met prior to granting its approval for the conversion of the sign from on-premises to off-premises;
    c. The decision to allow the conversion of an on-premises sign to an off-premises sign is within the sole discretion of the Common Council and its decision on the issue is final.
5. Additional regulations that apply to converted signs:
    a. At the time the application for conversion of the existing sign is submitted, the applicant must designate up to two specific parcels which the sign will serve. The converted sign will be treated as an on-premises sign for the businesses located on the designated parcels; and
    b. The converted off-premises sign may not be expanded or structurally altered in any way except that advertising copy may be altered; and
    c. The converted off-premises sign shall not ever be eligible for off-premises sign credits; and
    d. At such time as the use of the property being served by the converted off-premises sign changes, the face of the converted off-premises sign may be changed to advertise that new use.