



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: November 5, 2012

RE: Off Premises Sign Appeal Case 2012-09, 1200 North LaCrosse

Scott A. Pearce, Architect for Walmart Real Estate Business Trust, applied for a variance to convert an existing on-premises sign to an off-premises sign property at 1200 North LaCrosse. The applicant is in the process of remodeling the existing Walmart and would need to include the sign as part of the proposed remodel. As a result of a proposed remodel and subdivision the sign would become off-premises for the Walmart location. A copy of the proposed sign is attached.

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 October 17, 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 upgrade and remodel the existing sign on the property.**

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,
October 17, 2012 - 7:00 a.m.**

Appeal 2012-09

Scott A. Pearce Architect for Walmart Real Estate Business Trust, 2001 S.E. 10th Street, Bentonville, AR 72716, applied for a **Variance to the Sign Code Board of Appeals to allow an existing on premise sign to be converted to an off premise sign for subdivision of property as per Chapter 15.29.070 of the Rapid City Municipal Code** for the sign located at 1200 N. LaCrosse Street, legally described as Lot A of Lot 5R, Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

In response to Weber's question, Solon stated that both lots were part of a planned development and that it has been anticipated that there would be a request for a variance to correct the existing sign issues and to upgrade the sign or move the sign.

The Sign Code Board of Appeals moved and unanimously carried to recommend to the Rapid City Council to allow the conversion of the on-premise to off-premise as per Chapter 15.29.070 of the Rapid City Municipal Code.

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 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.