

STAFF REPORT

August 22, 2002

No. 02UR019 - Conditional Use Permit to allow the construction of a billboard **ITEM 42**

GENERAL INFORMATION:

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| PETITIONER | Lamar Advertising |
| REQUEST | No. 02UR019 - Conditional Use Permit to allow the construction of a billboard |
| EXISTING LEGAL DESCRIPTION | Lot 9 of Lot K-3, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .710 acres |
| LOCATION | 532 East Anamosa Street |
| EXISTING ZONING | General Commercial District |
| SURROUNDING ZONING | |
| North: | General Commercial District |
| South: | Medium Density Residential District |
| East: | General Commercial District |
| West: | Low Density Residential District |
| PUBLIC UTILITIES | N/A |
| DATE OF APPLICATION | 06/20/2002 |
| REPORT BY | Karen Bulman |

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of a billboard be approved with the following stipulations:

Transportation Planning Division Recommendations:

1. The sign may not obstruct sight triangles or encroach into the road right-of-way;

City Attorney Recommendations:

2. Sign credits cannot be used from the removal of the existing off-premise sign;
3. Before the issuance of a sign license for construction of the billboard, two sign credits must be surrendered;
4. The off-premise sign cannot be over 250 square feet in size;

Urban Planning Division Recommendations:

5. This Conditional Use Permit will be approved only after the moratorium has been

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- removed and Ordinance #3813 is in effect;
6. The provisions of Chapter 15.28 of the Rapid City Municipal Code with the effective Ordinance #3813 must be continually met; and,
 7. A sign license must be obtained yearly after the moratorium has been removed and Ordinance #3813 is in effect.

GENERAL COMMENTS: This item was continued at the August 8, 2002 Planning Commission meeting. New or revised text is shown in bold print. A letter requesting the applicant's presence at the next Planning Commission meeting has been sent to the applicant. The applicant has indicated that a representative will be in attendance at the next Planning Commission meeting. The applicant is proposing to remove an existing stacked billboard and replace it with a single pole billboard. As of this writing, the existing off-premise sign has been removed to allow construction of a retail business. The new off-premise sign is proposed to be relocated in the same general area, adjacent to Lacrosse Street and located on the north side of the property at 532 East Anamosa Street. The property is located in a General Commercial Zoning District. The Rapid City Council approved a moratorium on the issuance of permits for off-premise signs effective until July 31, 2002, when the new sign code, Ordinance #3813, is effective.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit to allow the construction of a billboard and has the following concerns:

Size: The stacked billboard on this location was 560 square feet in size. The applicant removed this billboard and now proposes to replace it with a 378 square foot off-premise sign. The existing Sign Code allowed the 378 square foot sign, although a moratorium is in effect precluding the issuance of any new permits or construction of any new off-premise signs. The new Sign Code changes the maximum size of an off-premise sign to 250 square feet in size. The applicant will only be allowed to construct an off-premise sign with a maximum size of 250 square feet.

Credits: The new Sign Code requires the surrender of two Off Premise Sign Credits for the issuance of a sign license. Before the issuance of a sign license for the construction of the billboard, two Off Premise Sign Credits must be surrendered to the Building Official. Sign credits will not be issued for the removal of the existing off-premise sign as the new sign code was not in effect at the time of removal.

Sign license: The new Sign Code requires that every off-premise sign has an off-premise sign license issued by the Building Official on a yearly basis. The fee for this sign license at this time is seventy five dollars (\$75). The license expires on December 31 of each year.

Location: Off-premise signs must be located at least fifty feet from any on-premise sign. Off-premise signs must be located at least five hundred feet from any other off-premise sign and at least one thousand feet from the nearest off-premise sign as measured by the distance over a public road. Further, off-premise signs cannot be located in a right-of-way, including any overhang, or obstruct a sight triangle. The location of the proposed billboard meets

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these requirements, if the on-premise signs on the east side of the commercial property at 532 E. Anamosa Street are not within 50 feet of the billboard. The proposed billboard is not located within five hundred feet of any other off-premise sign, and it is at least one thousand feet from the nearest off-premise sign as measured by the distance over a public road.

The required sign has been posted on the property indicating that a Conditional Use Permit has been requested. As of this writing, the receipts from the certified mailing have been returned. There have been no phone calls or inquiries regarding the proposal. Staff has reviewed this application for a Conditional Use Permit to allow the construction of a billboard and recommends approval with the identified stipulations.