

STAFF REPORT

September 5, 2002

No. 02UR019 - Conditional Use Permit to allow the construction of a billboard **ITEM 39**

GENERAL INFORMATION:

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 shall not exceed 250 square feet in size;

Urban Planning Division Recommendations:

5. The provisions of Chapter 15.28 of the Rapid City Municipal Code must be continually

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- met; and,
6. A sign license must be obtained yearly.

GENERAL COMMENTS: This item was continued at the August 22, 2002 Planning Commission meeting to allow the applicant time to redesign the billboard structure, specifically to explore design alternatives to the billboard maintenance platforms. As of August 30, 2002, no additional information has been presented to the Planning Department. New or revised text is shown in bold print. 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 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

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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.