

STAFF REPORT  
March 10, 2005

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**No. 05PD009 - Planned Commercial Development - Initial and Final  
Development Plan**

**ITEM 50**

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GENERAL INFORMATION:

PETITIONER	Conrad Rupert for The Maze, Inc.
REQUEST	<b>No. 05PD009 - Planned Commercial Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	That part of the SE1/4 NW1/4 NW1/4 lying east of Highway 16 less right-of-way located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.82 acres
LOCATION	6400 South Highway 16
EXISTING ZONING	General Commercial District w/PD
SURROUNDING ZONING	
North:	General Commercial District w/PD
South:	General Commercial District w/PD
East:	Low Density Residential District w/PD
West:	General Commercial District w/PD
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/11/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:

1. The uses allowed within the Planned Commercial Development shall be limited to an amusement and recreation establishment and one off-premise sign;
2. The light from any light source intended to illuminate the proposed off-premise sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, or adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas as per Section 15.2.160 of the Rapid City Municipal Code;
3. A Sign Permit shall be obtained prior initiation of construction as per Section 15.28 of the Rapid City Municipal Code;
4. A Sign License shall be obtained prior to initiation of construction as per Section 15.28.060 of the Rapid City Municipal Code;

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5. An engineer stamped design for the proposed sign with topographical map and utility locations shown shall be provided for review and approval, prior to issuance of a Sign Permit;
6. Prior to issuance of a Sign Permit, the South Dakota Department of Transportation shall submit a written statement indicating approval as per South Dakota Codified Law 36-1-04;
7. The applicant shall submit two off-premise sign credits prior to issuance of an off-premise Sign License as per Section 15.28.060 of the Rapid City Municipal Code;
8. The proposed off-premise sign shall conform architecturally to the plans and elevations submitted;
9. The proposed off-premise sign shall continually comply with all applicable provisions of the Sign Code;
10. Prior to issuance of a Sign Permit, a revised site plan shall be submitted, showing a landscaping buffer that will screen the proposed sign's support pole from the South Dakota Highway 16 right-of-way, for review and approval;
11. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
12. Prior to any expansion of the existing amusement and recreational uses a Major Amendment to the Planned Commercial Development shall be approved.

**GENERAL COMMENTS:** The subject property is located at the southeast corner of South Dakota Highway 16 and Tucker Street. There is an existing amusement and recreation establishment located on the subject property that was constructed when the property was located in Pennington County. The subject property was annexed into the City of Rapid City on August 7, 2001. In November 2001 the City Council approved rezoning the property from No Use District to General Commercial and placed a Planned Development Designation for the subject property to allow the City to adequately address site specific issues prior to an expansion of the existing use. On November 4, 2002 the City Council approved a an appeal to allow the applicant to repair an existing sign that was demolished by a wind storm and allow it to be classified as a legal non-conforming sign. Later the applicant removed the sign and obtained two sign credits for the sign. The applicant is now requesting a Planned Commercial Development – Initial and Final Development Plan to allow the construction of an off-premise sign in the General Commercial Zoning District.

**STAFF REVIEW:** Staff has reviewed the proposed Planned Commercial Development – Initial and Final Development Plan and noted the following considerations:

**Design Features:** The submitted elevation drawings show the proposed sign to be 25 feet wide by 10 feet high with two faces. The two sign faces of the sign will be mounted on a monopole and separated at an angle of 20 degrees. The submitted elevation drawing of the proposed sign shows the sign to have a maximum height of 30 feet with the bottom of the sign to be a minimum of 20 feet above the ground. The proposed off-premise sign meets the minimum requirements of Section 15.28.160 of the Rapid City Municipal Code.

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Lighting: The submitted drawings do not indicate that any lighting will be provided for the sign. Staff noted that the light from any light source intended to illuminate the proposed off-premise sign must be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, or adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas as per Section 15.2.160 of the Rapid City Municipal Code.

Sign Permit and License: Staff noted that a Sign Permit must be obtained prior initiation of construction as per Section 15.28 of the Rapid City Municipal Code. Staff also noted that a Sign License must be obtained prior to initiation of construction as per Section 15.28.060 of the Rapid City Municipal Code.

Engineered Design: Staff noted that the proposed sign must meet the minimum construction standards found in Chapter 15.28.120, Tables 1 and 2 of the Rapid City Municipal Code. As such an engineer stamped design for the proposed sign with topographical map and utility locations shown must be provided for review and approval, prior to issuance of a Sign Permit.

Department of Transportation Statement: The proposed sign is located adjacent to South Dakota Highway 16 which is controlled by the South Dakota Department of Transportation. Staff noted that the South Dakota Department of Transportation must submit a written statement indicating approval as per South Dakota Codified Law 36-1-04.

Sign Credits: Staff noted that an off-premise sign license cannot be issued for a new off-premise sign unless the owner or lessee of the land, where the off-premise sign is proposed to be located, surrenders two off-premise sign credits. As such, the applicant must submit two off-premise sign credits prior to issuance of an off-premise Sign License as per Section 15.28.060 of the Rapid City Municipal Code.

Landscaping Buffer: The proposed off-premise sign is located in an area of Rapid City that serves as an entryway to the community for those traveling from the south. Staff is concerned with the appearance of the proposed off-premise sign as numerous people will travel by it daily. As such, staff is recommending that the site plan be revised to show a landscaping buffer that will screen the proposed signs support pole from the South Dakota Highway 16 right-of-way, prior to issuance of a Sign Permit.

Existing Uses: As previously indicated, there is an existing amusement and recreation establishment located on the subject property. The existing amusement and recreation establishment consists of a maze, basketball area, water wars area, race track, and picnic area. The applicant is not proposing to make any changes to the existing uses on the subject property. However, staff is recommending that any expansion of the existing amusement and recreational uses will require a Major Amendment to the Planned Commercial Development.

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Notification: As of this writing the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the March 10, 2005 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Planned Commercial Development – Initial and Final Development Plan be approved with the above stated stipulations.