

STAFF REPORT
June 21, 2007

No. 07UR006 - Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District **ITEM 40**

GENERAL INFORMATION:

PETITIONER	Unique Signs for Dwayne Pankratz
REQUEST	No. 07UR006 - Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District
EXISTING LEGAL DESCRIPTION	A parcel of land described as follows: commencing at a point, said being the northeast corner of the intersection of East Anamosa Street and Elk Vale Road; Thence S00°06'41"W 238.22 feet to the point of beginning. Thence S89°55'40"W a distance of 50 feet; Thence S00°06'41"W a distance of 30 feet; Thence N89°55'40"E a distance of 50 feet; Thence N00°06'41"E a distance of 30 feet to the point of beginning, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0 .03 acres
LOCATION	311 Elkvale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Public water and sewer
DATE OF APPLICATION	3/22/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District be continued to the July 5, 2007 Planning Commission meeting.

GENERAL COMMENTS:

(Update June 14, 2007) All revised text is shown in bold. This item was continued at the April 26, 2007 Planning Commission to allow the applicant to appear before the City of

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Rapid City Sign Appeals Board. The applicant is requesting the Sign Appeals Board waive the 1000 feet required spacing between off premise signs. The applicant's hearing before the Sign Appeals Board is scheduled for June 20, 2007. For this reason, staff is recommending that the Conditional Use Permit application be continued to the July 5, 2007 Planning Commission meeting.

The applicant has submitted a Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District. The proposed site for the off-premise billboard location is 311 Elk Vale Road, which is located 238 feet south of the intersection of East Anamosa Street and Elk Vale Road. The proposed site for the off-premise sign is offset a distance of 25 feet from the western right-of-way line of Elk Vale Road. The proposed site is void of any structural development.

STAFF REVIEW:

Staff has reviewed the applicant's request for a Conditional Use Permit to allow for an off-premise billboard sign in a General Commercial Zoning District and noted the following considerations:

Off-Premise Billboard Sign Dimensions:

Section 15.28.160 C and G states that "off-premise billboard signs shall be limited to 250 square feet in size, and shall be limited to 30 feet in height." The applicant has submitted documentation identifying the proposed sign to be 250 square feet, and 22 feet in height.

Section 15.28.160 M of the Rapid City Municipal Code states that "*The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.*" At the time of this writing, the applicant has not submitted any lighting information or lighting plan for the proposed off-premise sign.

Off-Premise Billboard Sign Location:

The applicant has submitted a site plan identifying the proposed billboard location to be 880 feet north of an existing billboard. The existing billboard is located on the western side of Elk Vale Road as well. Along a public right-of-way an off-premise billboard sign is required to be a minimum of 1000 feet from the nearest off-premise billboard sign. The applicant has filed, in conjunction with this Conditional Use Permit request, a Notice of Appeal with the City of Rapid City Sign Code Board of Appeals to waive the requirement of 1000 feet of separation between the proposed off-premise billboard sign, and the existing off-premise billboard sign which lies 880 feet south.

In addition another billboard lies 613 feet south of the existing billboard on the western boundary of Elk Vale Road. This billboard does not meet the minimum 1000 feet spacing requirements between off-premise billboard signs. If the Conditional Use Permit request was approved for the proposed off-premise sign it would create three off-premise billboards signs along Elk Vale Road that would not meet the spacing requirements of the ordinance.

Notification:

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All of the required receipts have been returned to the Growth Management Department.

As of this writing, the required receipts of the certified mailings have not been returned to the Growth Management Department. Staff will notify the Planning Commission at the April 26, 2007 meeting if these requirements have not been met. Staff has not received any comments of objections regarding this Conditional Use Permit at the time of this writing.

Because the request does not meet the minimum requirements of the Rapid City Municipal Code, Staff recommends that the Conditional Use Permit to allow for an off-premise billboard sign in a General Commercial Zoning District be denied.