

STAFF REPORT
July 5, 2007

No. 07PD030 - Major Amendment to a Planned Commercial Development ITEM 41

GENERAL INFORMATION:

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| PETITIONER | Unique Signs, Inc. for GGL Operations, LLC |
| REQUEST | No. 07PD030 - Major Amendment to a Planned Commercial Development |
| EXISTING LEGAL DESCRIPTION | Lot 1B of North 80 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .88 acres |
| LOCATION | 330 E. Stumer Road |
| EXISTING ZONING | Office Commercial District (Planned Commercial Development) |
| SURROUNDING ZONING | |
| North: | Office Commercial District |
| South: | Office Commercial District, General Commercial District (Planned Commercial Development) |
| East: | Office Commercial District |
| West: | Office Commercial District (Planned Commercial Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 4/24/2007 |
| REVIEWED BY | Vicki L. Fisher / Todd Peckosh |

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be **approved with the following stipulations:**

- 1. Prior to Planning Commission approval, the Vacation of a Minor Drainage and Utility Easement request shall be obtained to allow the sign as shown on the site plan or the site plan shall be revised relocating the sign from the minor drainage and utility easement;**
- 2. All signage shall conform to the design, color and location as shown in the sign package. In addition, a sign permit shall be obtained prior to the start of construction of the sign;**
- 3. All provisions of Section 17.50.270, the Parking Regulations of the Rapid City Municipal Code shall be continually met;**
- 4. All requirements of the 2003 International Fire Code shall be continually met;**

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5. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and be maintained in a live vegetative state and replaced as necessary;
6. The dumpster shall be screened on all sides with a five foot screening fence;
7. The building materials of the medical facility shall consist of lap siding in earth tones with stone or brick accents and asphalt earth tone shingles as per the submitted elevations;
8. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties; and,
9. The Planned Residential Development approval shall expire two years from the date upon which it becomes effective if no work has commenced, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

(Update, June 22, 2007. All revised and/or added text is shown in bold print.) This item was continued at the June 21, 2007 Planning Commission meeting to allow the applicant to submit additional information. On May 24, 2007, the applicant submitted a Variance to the Sign Code Board of Appeals to reduce the setback to the property line from ten feet to one foot for the proposed sign and to increase the maximum allowable area of the sign from 50 square feet to 80 square feet. In addition, the applicant has submitted a Vacation of Drainage and Utility Easement request to vacate a portion of the platted easement along the west lot line to allow the construction of the proposed sign. On June 20, 2007, the Sign Code Board of Appeals approved the Variance request to reduce the setback and to increase the maximum allowable area of signage as requested. On July 2, 2007, the City Council will consider the Vacation of Drainage and Utility Easement request to vacate a portion of the platted easement.

(Update, June 8, 2007. All revised and/or added text is shown in bold print.) This item was continued at the June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information. On May 24, 2007, the applicant submitted a Variance to the Sign Code Board of Appeals to reduce the setback to the property line from ten feet to one foot for the proposed sign and to increase the maximum allowable area of the sign from 50 square feet to 80 square feet. In addition, the applicant has submitted a Vacation of Drainage and Utility Easement request to vacate a portion of the platted easement along the west lot line to allow the construction of the proposed sign. As such, staff is recommending that this item be continued to the July 5, 2007 Planning Commission meeting to allow the applicant to obtain the Variance to the Sign Code Board of Appeals or to revise the site plan and sign package as needed to comply with the Sign Code and to vacate the Drainage and Utility Easement as proposed or to revise the site plan removing the sign from the easement.

(Update, May 25, 2007. All revised and/or added text is shown in bold print.) This item was continued at the May 24, 2007 Planning Commission meeting to allow the applicant to submit additional information. On May 24, 2007, the applicant submitted a Variance to the Sign Code Board of Appeals to reduce the setback to the property line from ten feet to one

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foot for the proposed sign and to increase the maximum allowable area of the sign from 50 square feet to 80 square feet. As such, staff is recommending that this item be continued to the June 21, 2007 Planning Commission meeting to allow the applicant to obtain the Variance to the Sign Code Board of Appeals or to revise the site plan and sign package as needed to comply with the Sign Code.

The applicant has submitted a Major Amendment to a Planned Commercial Development to construct a sign along the west lot line of the subject property as it abuts Fifth Street.

On November 23, 2005, the Planning Commission approved an Initial and Final Planned Commercial Development to allow a medical clinic to be constructed on the subject property.

The property is located approximately 120 feet north of the intersection of Fifth Street and E. Stumer Road on the east side of Fifth Street. The medical clinic, an oral maxillofacial surgery center, has been constructed on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Commercial Development and has noted the following considerations:

Signage: The site plan shows the proposed sign located within a previously platted eight foot wide minor drainage and utility easement(s) located along the south and west lot lines. In addition, the proposed sign does not provide a minimum ten foot setback from the lot lines as required by the Sign Code. Staff met with the applicant and his consultant on May 14, 2007 to discuss the location of the sign. The applicant's consultant indicated that a revised sign package relocating the sign and potentially revising the proposed design of the sign will be submitted for review and approval. As such, staff is recommending that the Major Amendment to the Planned Commercial Development be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit the revised site plan and sign package. **As noted above, the Sign Code Board of Appeals approved the Variance request to reduce the setback to the property line from ten feet to one foot for the proposed sign and to increase the maximum allowable area of the sign from 50 square feet to 80 square feet. The applicant has indicated that the four foot by ten foot sign will remain in the southeast corner of the property and a second sign with the same design and dimensions will be constructed along the west lot line. On July 2, 2007, the City Council will consider the Vacation of Drainage and Utility Easement request to vacate a portion of the platted easement for the proposed sign along the west lot line. Staff is recommending that prior to Planning Commission approval, the Vacation of a Minor Drainage and Utility Easement request be obtained to allow the sign as shown on the site plan or the site plan must be revised relocating the sign from the minor drainage and utility easement. In addition, the signage must conform to the design, color and location as shown in the sign package. In addition, a sign permit must be obtained prior to the start of construction of the sign.**

Notification Requirement: The receipts from the certified mailings have been returned and the

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sign is posted on the property. Staff has not received any calls of inquiry regarding this item.