

STAFF REPORT
January 22, 2009

No. 08SR020 - SDCL 11-6-19 Review to allow construction of a sign on public property **ITEM 36**

GENERAL INFORMATION:

APPLICANT/AGENT	Lon Van Deusen for City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR020 - SDCL 11-6-19 Review to allow construction of a sign on public property
EXISTING LEGAL DESCRIPTION	Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 72.475 acres
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District - General Commercial District
South:	General Commercial District - Low Density Residential District
East:	Flood Hazard District
West:	Office Commercial District - Park Forest District - General Commercial District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	2/21/2008
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a sign on public property be **denied without prejudice**.

GENERAL COMMENTS: **(Updated: January 10, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 18, 2008 Planning Commission meeting because the required information had not been submitted for review and approval. As of this writing, the applicant has not submitted a complete site plan drawn to scale identifying the existing signs, utility locations, existing structures, and other features located on-site. In addition, the applicant has not**

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demonstrated that the proposed sign will be located outside of the sight distance triangle. In the staff report dated December 18, 2008, it was noted that staff would recommend that the SDCL 11-6-19 Review to allow the construction of a sign on public property be denied without prejudice if the required information was not submitted for review and approval by January 5, 2009. The required information has not been submitted. As such, staff recommends that the SDCL 11-6-19 to allow the construction of a sign on public property be denied without prejudice.

(Updated: December 5, 2008. All revised and/or added text is shown in bold print.) This item was continued at the December 4, 2008 Planning Commission meeting because the required information had not been submitted for review and approval. As of this writing, the applicant has not submitted a complete site plan drawn to scale identifying the existing signs, utility locations, existing structures, and other features located on-site. In addition, the applicant has not demonstrated that the proposed sign will be located outside of the sight distance triangle. If the required information is not submitted by January 5, 2009 staff will recommend that the SDCL 11-6-19 Review to allow the construction of a sign on public property be denied without prejudice at the January 22, 2009 Planning Commission meeting. As such, staff recommends that the SDCL 11-6-19 Review be continued to the January 22, 2009 Planning Commission meeting to allow the applicant to submit the required information.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet.

(Update: October 24, 2008. All revised and/or added text is shown in bold.) This item was continued at the October 23, 2008 Planning Commission meeting because all of the required information had not been submitted. As of this writing, no additional information has been submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of a sign on public property be continued to the November 20, 2008 Planning Commission meeting.

This is a request by the City of Rapid City- Parks Division for approval to construct an identification sign on public land pursuant to the requirements of an 11-6-19 SDCL. The property is located in the Flood Hazard Zoning District at Canyon Lake Park south of Jackson Boulevard and west of Park Drive. The applicant is proposing to replace the existing sign with an 8 foot x 4 foot identification sign that is 5 feet 6 inches tall and reads "Welcome to Canyon Lake Park". The sign will be located adjacent to the bike path located at the southeast corner of the intersection of Jackson Boulevard and Park Drive including the adjacent streets.

South Dakota Codified Law 11-6-19 states that "whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning

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Commission". The proposed ground sign is being constructed on public property and the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

The applicant has submitted a site plan identifying the proposed sign location. The submitted site plan is not drawn to scale and does not identify other features on the property such as existing signs, utility locations, existing structures, and other features located on-site. Staff has concerns that utilities and irrigation lines may be potentially damaged during the installation of the proposed sign. Further, the sign may be located in a sight triangle. Staff recommends that the applicant submit a revised site plan that is drawn to scale and identifies all existing utilities, existing signs, existing structures, irrigation lines as well as any drainage/utility easements if applicable. As of this writing, the applicant has not submitted a complete site plan drawn to scale identifying existing signs, utility locations, existing structures, and other features located on-site. In addition, the applicant has not demonstrated that the proposed sign will be located outside of the sight distance triangle.

(Update, January 10, 2009. All revised and/or added text is shown in bold print.) As of this writing, the applicant has not submitted a complete site plan drawn to scale identifying existing signs, utility locations, existing structures, and other features located on-site. In addition, the applicant has not demonstrated that the proposed sign will be located outside of the site distance triangle.

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) As of this writing, the applicant has not submitted a complete site plan drawn to scale identifying existing signs, utility locations, existing structures, and other features located on-site. In addition, the applicant has not demonstrated that the proposed sign will be located outside of the site distance triangle.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) As of this writing, the applicant has not submitted a complete site plan drawn to scale identifying existing signs, utility locations, existing structures, and other features located on-site. In addition, the applicant has not demonstrated that the proposed sign will be located outside of the sight distance triangle.

In addition, because of spacing requirements in regard to ground mounted signs the applicant's site plan must identify any existing signs located on the property. Furthermore, a detailed site plan drawn to scale is needed to ensure that the proper setback for the sign is being provided. A detailed site plan drawn to scale also is needed in order to determine the proposed sign's proximity to the federally designated flood plain. On September 12, 2008 the applicant obtained a Flood Plain Development Permit.

Site Plan: A complete site plan was not submitted with this application. Prior to Planning Commission approval, the applicant must submit a complete site plan. The site plan must be drawn to scale and include all other existing signs, structures, utilities and irrigation lines for the property surrounding the proposed sign including access drives and adjacent streets.

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Sight Triangle: The applicant has not provided adequate information demonstrating that the sign is located outside of the sight distance triangle. Prior to Planning Commission approval, the applicant must submit a site plan drawn to scale demonstrating that the proposed sign will not be located within the sight distance triangle.

Flood Plain: The proposed sign is located within the 100 year Federally Designated Flood Plain; therefore, a Flood Plain Development Permit is required. On September 12, 2008 a Flood Plain Development Permit was approved for the proposed sign.

The City of Rapid City adopted an updated Rapid Creek Flood Plain Policy on July 7, 2008. The proposed sign, replacing the existing sign appears to be in compliance with the adopted Rapid Creek Flood Plain Policy.

Lighting: The applicant has not identified any lighting for the proposed sign. The applicant should be aware that the addition of lighting to the sign will require an SDCL 11-6-19 Review.

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a sign on public property be denied without prejudice to allow the applicant to resubmit the application when a complete site plan demonstrating compliance with all applicable requirements can be submitted.