

STAFF REPORT
July 23, 2009

No. 09SR061 - SDCL 11-6-19 Review to construct a sign on public property **ITEM 23**

GENERAL INFORMATION:

APPLICANT	Minneluzahan Senior Citizen's Center
AGENT	Patrick J. O'Leary
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR061 - SDCL 11-6-19 Review to construct a sign on public property
EXISTING LEGAL DESCRIPTION	Lot RU-18, RU Lots and Tract 21, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.97 acres
LOCATION	315 North Fourth Street
EXISTING ZONING	Flood Hazard District - Civic Center District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Flood Hazard District
East:	Civic Center District - Flood Hazard District
West:	Civic Center District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/16/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct a sign on public property be approved if the following additional information is submitted prior to Planning Commission approval:

1. An amended site plan and supporting documentation to include a list of use standards for the proposed sign.

GENERAL COMMENTS: The property is located at 315 North Fourth Street, at the corner of North Fourth Street and New York Street. The property is currently owned by the City of Rapid City and is the location of the Minneluzahan Senior Center.

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On January 25, 2007 the Planning Commission approved a SDCL 11-6-19 Review (#04SR047) to construct a sign on public property with the following stipulation:

1. Prior to installation of the sign, a Sign Permit shall be obtained.

The applicant is now requesting approval of a SDCL 11-6-19 Review to replace that sign and allow the construction of a sign with an electronic message center to be constructed on public property.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then 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 until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the property is publicly owned land requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Sign Permit: Staff noted that Section 15.28.080 of the Rapid City Municipal Code requires that a Sign Permit be obtained for each sign constructed, except as otherwise provided in the Sign Code. As such, a Sign Permit must be obtained prior to installation of the proposed sign.

Spacing: Staff noted that Section 15.28.20 of the Rapid City Municipal Code requires that the separation between on-premises ground signs located on the same premises shall be a minimum of 100 feet. The proposed sign is not located within 100 feet of any other on-premises signs.

Size and Height: The proposed sign will have a total height of approximately 16 feet 8 inches and a total width of approximately 8 feet 9 inches. The proposed sign will read "Minneluzahan Senior Citizen Center". Approximately 2 feet 2 inches of the bottom of the sign face is proposed to be an electronic message center. The sign shall be an on-premise sign only. The size of the sign appears to meet the requirements of the Sign Code.

Setbacks: Staff noted that Section 15.28.200 of the Rapid City Municipal Code allows on-premises ground signs to have a zero setback from the right-of-way so long as the bottom of the sign is a minimum of 10 feet clear from grade. The proposed sign is located approximately seven feet from the front property line along North Fifth Street. The submitted sign design indicates that the bottom of the proposed sign will be a minimum of 10 feet above the ground.

Flood Plain: Staff noted that the location of the proposed sign is within the 500 year federally designated flood plain. However, the proposed sign will not be located within the 100 year

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flood plain or the hydraulic floodway. As such, no Flood Plain Development Permit is required.

Use Standards: Due to the significant traffic in this area and the potential distractions that may be caused by the reader board, staff has significant concerns with the reader board component of this sign for the property. In the past Planning Commission has approved electronic reader boards on public property if the applicant complies with the following: hours of operation from 6 a.m. to 10 p.m., information on the sign will be site related only, no flashing or scrolling letters will be displayed, no video displays will be allowed, low intensity lighting shall be provided and a time interval of a minimal 15 seconds between messages shall be provided. Staff will recommend that the SDCL 11-6-19 Review to construct a sign on public property be approved if the applicant amends the site plan and supporting documentation to include a list of use standards for the proposed sign.