

STAFF REPORT
February 4, 2010

No. 09PD098 - Major Amendment to a Planned Commercial Development **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Conrads Big "C" Signs
AGENT	Dennis Hettich for Conrads Signs
PROPERTY OWNER	Battle Flat LLC
REQUEST	No. 09PD098 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 1 of Heartland Retail Center, Sections 27 and 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.84 acres
LOCATION	4030 Cheyenne Boulevard
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/12/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION: Staff recommends that the Major Amendment to a Planned Commercial Development to revise the sign package **be denied without prejudice at the applicant's request.**

GENERAL COMMENTS: **(Updated January 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 4, 2010 Planning Commission meeting to allow the applicant to submit a revised sign package in concurrence with the property owner. However, the applicant submitted a written request to deny this application without prejudice.**

(Updated January 13, 2009. All revised and/or added text is shown in bold print.) This item

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was continued to the January 21, 2010 Planning Commission meeting to allow the applicant to submit a revised sign package in concurrence with the property owner. To date, staff has not received the revised information. As such, staff recommends that this item be continued to the February 4, 2010 Planning Commission meeting.

(Updated December 22, 2009. All revised and/or added text is shown in bold print.) This item was continued to the January 7, 2010 Planning Commission meeting to allow the applicant to submit a revised sign package in concurrence with the property owner. To date, staff has not received the revised information. As such, staff recommends that this item be continued to the January 21, 2010 Planning Commission meeting.

The applicant has submitted a Major Amendment to a Commercial Development Plan to revise the previously approved sign package. In particular, the applicant is proposing to replace an existing 4 foot wide by 8 foot long sign on the south side of the existing commercial building with a 4 foot wide by 8 foot long sign advertising "Happy Jacks" Casino, and add an "Open" sign measuring 12 inches wide by 30 inches long sign to be located above the main entrance to Happy Jacks.

On August 24, 2006, the Planning Commission approved an Initial and Final Commercial Development Plan (File #06PD052) to construct a 3,000 square foot convenience store, a 1,000 square foot casino, including approval of on-sale liquor establishment with video lottery, and a 560 square foot car wash, with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. The parking plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved parking plan;
3. The lighting plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved lighting plan;
4. The sign package shall continually comply with all requirements of the Rapid City Municipal Code and the approved sign package;
5. The landscape plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved landscape plan;
6. The structure shall be fully fire sprinklered and all applicable provisions of the International Fire Code shall be continually met;
7. All construction shall comply with the approved building elevations; and,
8. The Planned Commercial Development shall expire if the use has not commenced 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.

The approved sign package included a shop sign, a car wash sign, two 7-panel ground signs measuring 135 square feet each and 30 feet in height, plus additional round signs on the canopy.

The proposed signs submitted with this application would be located on the south side of the building over the entrance into Happy Jacks. The proposed sign will replace an existing 4

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foot wide by 8 foot wide sign. The applicant has submitted this Major Amendment to the Commercial Development Plan to allow the proposed signage along the south side of the building over the Happy Jacks entrance.

The property is located north of Cheyenne Boulevard and east of Elk Vale Road. Currently, a 4,560 square foot convenience store/car wash/casino is located on the property.

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

Building Permits: Staff noted that a building permit and certificate of occupancy has been issued for construction of the convenience store/car wash/casino.

Signage: The total street frontage of the property is 235.63 linear feet along Cheyenne Boulevard and would allow 472 square feet of wall signage and 472 square feet of pole signage for a total sign package of 944 square feet in accordance with the Rapid City Sign Code.

The approved sign package included a shop sign, a car wash sign, two 7-panel ground signs measuring 135 square feet each and 30 feet in height, plus additional button signs on the canopy.

Sign Permit #2006CISP0199 was issued on November 21, 2006, for a 128 square foot "BP Amoco" 7-panel ground sign measuring 19 foot tall by 81 inch wide by 25 foot high.

Sign Permit #2006CISP0225 was issued on December 4, 2006, for a 4 foot wide by 12 foot long wall sign and a 12 foot by 12 foot by 45 foot high pole sign. The square footage of the signs was approved through the Initial and Final Planned Development (#06PD052). However, the pole sign exceeded the 30 foot height authorized under the approved Planned Commercial Development.

Sign Permit #2007CISP0061 was issued on April 20, 2007, for two 5 foot wide by 10 foot long wall signs and a 4 foot wide by 8 foot long wall sign. The Initial and Final Planned Development (#06PD052) did not include these signs as part of the approved sign package.

Sign Permit #2008CISP0141 was issued on July 30, 2008, for replace the BP Amoco sign with a Phillips 66 sign approved through Sign Permit #2006CISP0199. However, there is no sign permit on file for the existing Conoco 7-panel ground sign.

There are four existing 3 foot wide by 8 foot wide wall signs located on the canopy, two 30 inches wide by 40 inches long banners located on the south side of the structure, and a six foot wide by seven foot long off-premise temporary sign located along the south property line. There are no sign permits on file for any of these signs. Staff recommends that the banners and the off-premise temporary sign be removed from the premise prior to Planning Commission approval of this Major Amendment.

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As previously noted, the applicant is proposing to replace an existing 4 foot wide by 8 foot long sign on the south side of the existing commercial building advertising "Happy Jacks" Casino and add an "Open" sign measuring 12 inches wide by 30 inches long sign above the main entrance to Happy Jacks. The sign will be constructed with aluminum and acrylic material with vinyl graphics. In addition, the sign will be internally illuminated. The letters are shown in red and black with two "Jacks" playing cards with a white background. The second neon sign has green lettering, blue border and black background.

Staff recommends that the Major Amendment be continued to the January 7, 2010 Planning Commission meeting to allow the applicant an opportunity to submit a complete sign package addressing all of the existing and proposed signage including the removal of the illegal banners.

Site Improvements: The previously approved commercial building is currently located on the property. In addition, the landscaping, parking, and other infrastructure improvements to support the use have been constructed as per the previously approved Initial and Final Commercial Development Plan. However, the screening fencing has not been constructed as required. As such, staff recommends that prior to Planning Commission approval of this Major Amendment the applicant provide documentation that the dumpster screening requirements are in compliance with all City ordinances and the previously approved Development Plan. Additionally, all other site improvements shall continually be maintained in compliance with the previously required site improvements.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the December 10, 2009 Planning Commission meeting if this requirement has not been met. The sign has been posted on the property as required. The applicant has also sent a certified notice to the property owner as the property owner did not sign the application.

Owner inquiry: Staff received a call from the property owner expressing concern about the application requirements and the regulations not requiring the property owner's signature. Additionally, there are significant existing ordinance violations located on the site. For these reasons, staff recommends that the Major Amendment be continued to allow the applicant an opportunity to work with the property owner to submit a complete sign package and to allow the property to be brought into compliance with all applicable City ordinances.

Staff recommends that the Major Amendment to the Planned Commercial Development to revise the sign package be **denied without prejudice at the applicant's request.**