

STAFF REPORT
February 4, 2010

No. 09SR124 - SDCL 11-6-19 Review to construct a sign on public property **ITEM 28**

GENERAL INFORMATION:

APPLICANT/AGENT	Rapid City Regional Airport
PROPERTY OWNER	South Dakota Department of Transportation
REQUEST	No. 09SR124 - SDCL 11-6-19 Review to construct a sign on public property
EXISTING LEGAL DESCRIPTION	A portion of Lot A located in the SW1/4 of Section 20, T1N, R9E, and a portion of SD Highway 44 right-of-way adjacent to Lot A located in the SW1/4 of Section 20, T1N, R9E BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.71 acres
LOCATION	Intersection of East Highway 44 and Airport Road
EXISTING ZONING	Airport District
SURROUNDING ZONING	
North:	Airport District
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Commercial District - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/23/2009
REVIEWED BY	Ali DeMersseman / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct a sign on public property be continued to the **February 18, 2010** Planning Commission meeting.

GENERAL COMMENTS:

(Update, January 27, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 21, 2010 Planning Commission meeting due to questions regarding the location of the sign in the SD Highway 44 right-of-way and because the applicant was not available to attend the Planning Commission meeting. Staff met with the applicant on January 27, 2010. At this meeting, the applicant indicated they would be reviewing the sign height, design and area grading and

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would be submitting revised plans and elevations. In addition, the applicant has provided documentation regarding the South Dakota Department of Transportation requirements that apply to the proposed sign. As such, staff recommends that this item be continued to the February 18, 2010 Planning Commission meeting in order to allow the applicant to submit revised plans and additional information.

The applicant has submitted a SDCL 11-6-19 Review request to construct a sign within the South Dakota East Highway 44 right-of-way. The property is located at the northeast corner of the intersection of Airport Road and East Highway 44 and is within SDDOT right-of-way.

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." The proposed sign is on public property within an area covered by the Rapid City Comprehensive Plan requiring that the Planning Commission review and approve the construction of the new sign.

STAFF REVIEW: The applicant has indicated that they will not be available to attend the January 21, 2010 Planning Commission meeting. Additionally, some questions have been raised relative to the location of the sign in the right-of-way. As such, staff recommends that this item be continued to the February 4, 2010 Planning Commission meeting.

Staff recommends that the SDCL 11-6-19 Review to construct a sign on public property be continued to the **February 18, 2010** Planning Commission meeting.