

STAFF REPORT
April 22, 2010

No. 10SR009 - SDCL 11-6-19 Review to replace an existing sign on public property **ITEM 35**

GENERAL INFORMATION:

APPLICANT/AGENT	Mitch Johnson for Baseball 320, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SR009 - SDCL 11-6-19 Review to replace an existing sign on public property
EXISTING LEGAL DESCRIPTION	Tract 8 of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8 acres
LOCATION	2601 Canyon Lake Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	National Guard
South:	Flood Hazard District
East:	Park Forest District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/9/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff will provide a recommendation at the April 22, 2010 Planning Commission meeting based on the Sign Code Board of Appeals action on April 21, 2010.

GENERAL COMMENTS: (Updated April 9, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 22, 2010 Planning Commission meeting to allow the applicant to obtain Variances for the proposed and existing signage or to submit a revised sign package in compliance with Section 15.28.220 or Section 15.28.080(B)(7). The applicant is scheduled to appear before the Sign Code Board of Appeals at their scheduled meeting on April 21, 2010.

The applicant has submitted a SDCL 11-6-19 Review to replace an existing sign on public property. The proposed structure, a baseball scoreboard, will be 17 feet tall and 28 feet wide. The scoreboard is proposed to be located on top of the existing 8 foot tall outfield

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fence along Sheridan Lake Road. The proposed scoreboard will include Light-Emitting-Diode (LED) letters and numbers displaying team names, scores and statistics. The proposed scoreboard will include advertisements on the face of the scoreboard facing west toward the field. The rear of the scoreboard, facing east toward Sheridan Lake Road, is proposed to have a sign displaying the team name. No commercial advertising will be placed on the rear of the scoreboard. The scoreboard will be located at 2601 Canyon Lake Drive at American Legion Post 320 Pete Lien Memorial Field.

South Dakota Codified Law 11-6-19 states that “whenever and such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, no street, park, other public way, ground, place, space, no public building or public structure, no public utility, whether publically 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 § 11-6-19, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.” The request to allow a scoreboard on public property requires Planning Commission review pursuant to the provisions of SDCL 11-6-19. In addition, the property is identified 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: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Design Features: **(Updated April 9, 2010.) As previously indicated, the applicant is scheduled to appear before the Sign Code Board of Appeals at their scheduled meeting on April 21, 2010 to obtain Variances for the proposed and existing signage. As of this writing, no action has been taken on the request by the Board. The applicant must obtain the required Variances prior to Planning Commission approval.**

As noted above, the submitted elevation shows a 17 foot tall by 28 foot wide baseball scoreboard to be located atop an existing 8 foot tall fence. The proposed scoreboard will include LED letters and numbers displaying team names, scores and statistics. The proposed face of the scoreboard will include advertisements facing west. The submitted elevation includes three 3 foot tall by 9 feet 4 inches wide advertising panels at the bottom of the scoreboard and one 3 foot tall by 28 foot wide advertising panel 10 feet above the scoreboard bottom. The back of the scoreboard, facing Sheridan Lake Road, will display the team name, “Home of 320 Stars Baseball”.

Section 15.28.220 of the Rapid City Municipal Code states that, “public or private institutions, school, nonprofit membership organizations, and philanthropic institutions...may display on-premises signs. However, such sign or part thereof shall not contain a commercial advertising message. The signs shall comply with the following: 1....the sign shall not exceed 32 square feet; 2. The height of the sign shall not exceed 8 feet”. The submitted elevations identify that the proposed scoreboard will be approximately 476 square feet. As previously noted, the proposed scoreboard will be 17 feet tall and will sit atop an existing 8 foot tall outfield fence resulting in the top of the scoreboard being 25 feet off the

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ground. As submitted, the proposed scoreboard does not meet the requirements per Section 15.28.220.

Section 15.28.080(B)(7) states that, "Signs located within the interior of any building, or within any enclosed lobby or court of any building, or signs located within the inner or outer lobby, court or entrance of any theater, or within any sports field or stadium; provided such signs are not intended or designed to be viewed from any public property or to other adjacent property". Due to the height of the scoreboard, the face of the scoreboard will be clearly visible from public and adjacent properties. In addition, the back face of the sign is designed to be viewed from Sheridan Lake Road and adjacent properties to the east. As such, the proposed scoreboard is not an exempt sign per Section 15.28.080(B)(7).

Since the proposed scoreboard is not an exempt sign per Section 15.28.080(B)(7), and does not meet the size and elevation requirements per Section 15.28.220, the applicant must obtain Variances for the proposed front and back of the scoreboard from the Sign Code Board of Appeals. In addition, the off premise signage must be removed from the sign as it is not permitted pursuant to Section 15.28. The applicant should also be aware, that a sign permit was not obtained for the banner sign installed along the fence displaying, "Post 320". A Variance from the Sign Code Board of Appeals must also be obtained for this sign or the sign must be removed.

Staff recommends that this item be continued to the April 30, 2010 Planning Commission meeting to allow the applicant to obtain the Variances or to submit a revised sign package in compliance with Section 15.28.220 or Section 15.28.080(B)(7).

Floodplain: A portion of the property is located within the 100 year Federally Designated Floodplain Area. However, the proposed location of the scoreboard is outside of the floodplain. As such, a Floodplain Development Permit is not required for the proposed structure.

Parks and Recreation: Parks and Recreation staff has reviewed the proposed request and have approved the proposed location of the scoreboard. The applicant will not need to obtain permission from the Parks and Recreation Advisory Board for installation of the scoreboard as it will replace an existing scoreboard at the proposed location.

Black Hills Power & Light: Black Hills Power & Light staff has reviewed the proposed request and have approved the proposed location. Black Hills Power & Light staff has noted however, that construction equipment will need to maintain a 15 foot clearance from the existing 69kV power line located adjacent to Sheridan Lake Road if construction work is performed outside of the ballpark fence.

Permits: Prior to the start of construction, a sign building permit must be obtained.

Staff will provide a recommendation at the April 22, 2010 Planning Commission meeting based on the Sign Code Board of Appeals action on April 21, 2010.