

STAFF REPORT
October 21, 2010

No. 09PD097 - Major Amendment to a Planned Commercial Development **ITEM 18**

GENERAL INFORMATION:

APPLICANT	Conrads Big "C" Signs
AGENT	Dennis Hettich for Conrads Signs
PROPERTY OWNER	Dakota Heartland, Inc.
REQUEST	No. 09PD097 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 1 of Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.77 acres
LOCATION	747 Timmons Boulevard
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/12/2009
REVIEWED BY	Patsy Horton / Ted Johnson / Jim Flaaen

RECOMMENDATION:

If the Planning Commission determines that an electronic LED reader board is appropriate at this location, they should approve the Major Amendment to the Planned Commercial Development with the following stipulations:

- 1. A Sign Permit shall be obtained prior to the installation of any new signage and a Sign Permit shall be obtained for the existing signage on the property approved through this Major Amendment to the Planned Commercial Development;**

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2. All signage shall conform to the approved sign package. The addition of additional electronic signage will require a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s);
3. A minimum of 96,030 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced when necessary;
4. A minimum of 128 parking spaces shall be provided with five handicap accessible spaces. Two handicap accessible spaces shall be "van" accessible. In addition, three stacking spaces and one service space shall be provided for the coffee kiosk drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met;
5. All permitted uses within the General Commercial Zoning District shall be authorized as permitted uses within the Planned Commercial Development. The addition of Conditional Uses as identified in Chapter 17.18.030 of the Rapid City Municipal Code shall require a Major Amendment to a Planned Commercial Development. Specifically, the addition of any additional on-sale liquor establishments shall require a Major Amendment to a Planned Commercial Development;
6. Additions and/or expansions to the existing structures, determined by the Growth Management Director to be consistent with Chapter 17.50.070.B of the Rapid City Municipal Code, may be allowed as a Minimal Amendment to the Planned Commercial Development. Any other additions and/or expansions will require a Major Amendment to the Planned Commercial Development; and,
7. The Major Amendment to a 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.

GENERAL COMMENTS: (Updated October 12, 2010. All revised and/or added text is shown in bold print.) This item was continued to the October 21, 2010 Planning Commission meeting to allow the stipulations of approval to be met. The applicant had indicated that additional time was needed to complete the required landscaping and dumpster screening as stipulated in a previously approved Major Amendment to the Planned Commercial Development. The applicant has since completed the required screening and all illegal signs have been removed from the property.

(Updated September 28, 2010. All revised and/or added text is shown in bold print.) This item was continued to the October 7, 2010 Planning Commission meeting at the applicant's request to allow the stipulations of approval to be met. In particular, the applicant had indicated that additional time was needed to complete the required landscaping and

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dumpster screening as stipulated in a previously approved Major Amendment to the Planned Commercial Development.

(Updated September 13, 2010. All revised and/or added text is shown in bold print.) This item was continued to the September 23, 2010 Planning Commission meeting at the applicant's request to allow the stipulations of approval to be met. The applicant has indicated that additional time will be needed to complete the recommended stipulations prior to Planning Commission approval. In particular, the applicant has indicated that additional time is needed to complete the required landscaping and dumpster screening as stipulated in a previously approved Major Amendment to the Planned Commercial Development. As such, the applicant has requested that this item be continued to the October 7, 2010 Planning Commission meeting.

(Updated July 22, 2010. All revised and/or added text is shown in bold print.) This item was continued to the August 5, 2010 Planning Commission meeting at the applicant's request to allow the stipulations of approval to be met. The applicant has indicated that additional time will be needed to complete the recommended stipulations prior to Planning Commission approval. In particular, the applicant has indicated that additional time is needed to complete the required landscaping and dumpster screening as stipulated in a previously approved Major Amendment to the Planned Commercial Development. As such, the applicant has requested that this item be continued to the September 23, 2010 Planning Commission meeting.

(Updated June 15, 2010. All revised and/or added text is shown in bold print.) This item was continued to the June 24, 2010 Planning Commission per the applicant's request to allow consideration after the expiration of the moratorium on the receipt of applications for and the issuance of on-premise sign permits for electronic signs. The moratorium on on-premise electronic signage has expired effective June 15, 2010. As such, the applicant has expressed the desire to proceed with this application.

(Updated March 25, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 8, 2010 Planning Commission meeting to allow the applicant submit a revised sign package in concurrence with the property owner. On March 24, 2010, the applicant submitted a revised sign package that proposes to remove specific illegal signs, obtain approval for the remaining signage on the property and install a new sign.

(Updated March 16, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 25, 2010 Planning Commission meeting to allow the applicant to submit a revised sign package in concurrence with the property owner. On March 9, 2010 the applicant discussed with staff the desire to bring the entire property into compliance with the Sign Code and approved sign package as well as add new signage to the sign package. Staff informed the applicant of the information that would be required. As such, the applicant requested that this item be continued to the April 8, 2010 Planning Commission meeting in order to allow time for the applicant to gather the required information.

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(Updated February 23, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 4, 2010 Planning Commission meeting to allow the applicant to submit a revised sign package in concurrence with the property owner. The applicant indicated that discussions are occurring between the applicant and the property owner to resolve the outstanding sign package issues. As such, the applicant requested that this item be continued to the March 25, 2010 Planning Commission meeting in order to allow time for a resolution between the parties.

(Updated January 26, 2010. 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. The applicant indicated that discussions are occurring between the applicant and the property owner to resolve the outstanding sign package issues. As such, the applicant requested that this item be continued to the March 4, 2010 Planning Commission meeting in order to allow time for a resolution between the parties.

(Updated January 13, 2010. All revised and/or added text is shown in bold print.) This item 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 Planned Commercial Development Plan to revise the previously approved sign package. In particular, the applicant is proposing to remove a banner and install a 3 foot deep by 5 foot wide by 12 foot long backlit awning on the south side of the existing commercial building. The applicant has indicated that the awning will identify "Happy Jacks" as the tenant of this portion of the building.

On October 10, 2002, the Planning Commission approved a Planned Development Designation (File #02PD054) with the stipulation that no buildings or signs were allowed without the approval of an Initial and Final Planned Commercial Development.

On July 21, 2005, the Planning Commission approved an Initial and Final Planned Commercial Development (File #05PD039) authorizing the construction of a grocery store with an on-sale liquor establishment. The approved sign package included 786 total square footage of signage, with 1,500 maximum square feet for signage. Additionally, the Planning Commission stipulated that a screening wall shall be installed between the mechanical equipment, dumpster and loading dock on the west side of the commercial structure, and that additional landscaping shall be provided along the south and north of the building to provide additional screening between the loading dock and the traveling public on Elk Vale

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Road.

On August 25, 2005, a Minimal Amendment to the Commercial Development Plan was approved to allow moving the pole sign along Timmons Boulevard. On March 2, 2006, a second Minimal Amendment to the Commercial Development Plan was approved to allow an additional 36 square foot internally illuminated sign for "Don's Valley Market" to be installed on the south side of the building. This increased the approved sign package total square footage to 822 square feet. However, this sign has never been constructed.

On March 16, 2006, a 7 foot wide by 14 foot long "Don's Valley Market" sign measuring 98 square feet was installed on the north side of the building.

On April 6, 2006, a Major Amendment to the Commercial Development Plan was approved to allow a coffee kiosk, pharmacy and Post Office outlet. A revised site plan was approved identifying parking and circulation for the kiosk, 96,030 required landscaping points, and an amended sign package to include the post office, and coffee kiosk signage.

The proposed sign submitted with this application is shown along the south side of the building over the eastern most entrance into Happy Jacks, and replaces an illegal banner. As such, the applicant has submitted this Major Amendment to the Commercial Development Plan to allow the proposed sign along the south side of the building over the east Happy Jacks entrance.

The property is located east of Elk Vale Road, west of Timmons Boulevard and north of Homestead Street. Currently, a 154,064 square foot retail structure and a 200 square foot coffee kiosk is located on the property.

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

Building Permits: Staff noted that a building permit and certificate of occupancy has been issued for construction of both the grocery store and the coffee kiosk.

Signage: **(Update October 12, 2010.) The applicant has submitted documentation that the illegal banner signs have been removed from the property.**

(Update March 25, 2010.) On March 24, 2010, the applicant submitted a revised sign package that proposes to include specific signs existing on the property as a part of the approved sign package. In particular, the applicant is seeking to include a 36 square foot internally illuminated sign displaying the message "Happy Jacks". This sign is on the south building wall and is white in color with red lettering. The applicant is also proposing to include a 6 square foot internally illuminated sign displaying the message "ATM Black Hills Federal Credit Union". The sign is located on a south facing wall near the southeast corner of the building. The proposed sign is blue and yellow in color. The applicant is also proposing to include a 12 square foot internally illuminated sign displaying the message "United States Post Office". The sign is located on the east facing wall near the southeast

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corner of the building. The proposed sign is blue and white in color. In addition, the applicant is proposing that a new 3 foot deep by 5 foot wide by 12 foot long awning sign on the south side of the building with the message "Happy Jacks" be included in the approved sign package.

The property contains numerous signs that do not meet the Rapid City Sign Code and have not received approved sign permits. As a part of this Major Amendment, the applicant is proposing to remove the illegal banner signs from the property. As such, staff recommends that prior to Planning Commission approval the illegal banner signs be removed from the property.

The subject property has two frontages with 375 linear feet of street frontage along Timmons Boulevard and 375 linear feet of street frontage along Elk Vale Road. The total street frontage of the subject property is 750 feet. This would allow a total of 1,500 square feet of wall signage and 1,500 square feet of pole signage on the subject property.

The proposed awning/sign will have a steel construction frame with cooley, bright flexible material covering the frame. The applicant is proposing to remove a banner and install a 3 foot deep by 5 foot wide by 12 foot long backlit awning on the south side of the existing commercial building. The applicant has indicated that the awning will identify "Happy Jacks" as the tenant of this portion of the building.

To date, sign permits have been issued for 10 signs on the property with a combined total of approximately 542 square feet of area.

There are an additional 25 signs and/or banners located on the grocery store and 10 signs and/or banners located on the coffee kiosk, none of which have approved sign permits. Banner signs are not allowed under the Rapid City Sign Code. 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.

All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign.

Electronic LED Reader Board Sign: (Updated September 28, 2010.) On September 7, 2010, the City Council enacted a moratorium on all on-premise electronic LED reader board signs

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to allow a new Sign Task Force to review and recommend long term solutions to the sign code. The moratorium went into effect on September 18, 2010. The moratorium would not apply to sign applications previously applied for and seeking approval. As such, the electronic LED reader board sign proposed with this request would not have been affected by the moratorium. Subsequently, on September 20, 2010, the City Council lifted the moratorium on on-premise electronic reader board signs.

(Updated June 15, 2010.) The moratorium on the receipt of applications for and the issuance of on-premise sign permits for electronic signs expired on June 15, 2010. As such, the applicant has expressed a desire to proceed with the application and include the electronic light-emitting diode (LED) sign on the west side of the building facing Elk Vale Road in the sign package. If the Planning Commission determines that an electronic LED reader board is appropriate at this location, they should recommend that the electronic LED reader board not exceed 4 feet tall by 10 feet wide. In addition, the electronic LED reader board must be used exclusively for on-premise signage.

An electronic light-emitting diode (LED) reader board sign currently exists on the west face of the building facing Elk Vale Road. The sign is 60 square feet in total area and includes a 40 square foot red LED message center with 20 square feet of static poster advertisement. This sign was not a part of the approved sign package as a part of the Planned Commercial Development and a sign permit was not obtained prior to the installation of the reader board sign. On March 15, 2010, the Rapid City City Council established a moratorium on the receipt of applications for and the issuance of on-premise sign permits for electronic signs. As such, the electronic LED reader board sign cannot be included in the approved sign package. Staff recommends that prior to Planning Commission approval, the electronic LED reader board sign be removed from the property.

Site Improvements: (Updated October 12, 2010.) The applicant submitted documentation that the required screening fencing has been installed.

The previously approved commercial building is currently located on the property. In addition, the landscaping, parking, screening fencing and other infrastructure improvements to support the use have been constructed as per the previously approved Initial and Final Commercial Development Plan. However, it does not appear that the landscaping and dumpster screening comply with the previous stipulations of approval. As such, staff recommends that prior to Planning Commission approval of this Major Amendment the applicant provide documentation that the landscaping and 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.

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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.

If the Planning Commission determines that an electronic LED reader board is appropriate at this location, then they should approve the Major Amendment to the Planned Commercial Development with the stipulations as outlined above.