

STAFF REPORT
May 24, 2012

No. 12UR013 – Major Amendment to a Conditional Use Permit

ITEM 5

GENERAL INFORMATION:

APPLICANT	Mike Willey - Rosenbaum Signs
PROPERTY OWNER	Rushmore Cedar, LLC
REQUEST	No. 12UR013 - Major Amendment to a Conditional Use Permit
EXISTING LEGAL DESCRIPTION	Lot 1 of IGT Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.17 acres
LOCATION	5301 South Highway 16
EXISTING ZONING	Business Park District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District
South:	Business Park District
East:	General Commercial District - General Commercial District (Planned Development)
West:	Park Forest District - Medium Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	4/27/2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit be denied.

GENERAL COMMENTS: The applicant has submitted a request for a Major Amendment to a Conditional Use Permit to allow an electronic LED (Light Emitting Diode) message center to be included on a previously approved sign package for National American University. The previously approved sign package included a 7 foot by 18 foot identifying sign and a 6 foot by 11 foot 8 inch identifying sign mounted together on a ground sign totaling 30 feet tall. The approved ground sign is located on the northeastern corner of the property with approximately 197 square feet of signage. The applicant is proposing to add a 5 foot tall by 13 foot long LED message center beneath the primary identifying sign which will increase the total square footage of the sign to 262 square feet.

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On October 6, 2011 a Conditional Use Permit to allow National American University to locate its main campus in a Business Park District was approved with stipulations by Planning Commission (File #11UR026). A stipulation of the approval of the Conditional Use Permit stated that any electronic signage proposed for the property shall require a Major Amendment to the Conditional Use Permit.

On April 9, 2012, staff issued a Sign Permit in error for an LED message center to be located on the previously approved ground sign on the northeastern corner of the National American University campus. The applicant was subsequently informed that a Major Amendment to the Conditional Use Permit would be required for the proposed LED sign as per the previously approved Conditional Use Permit. As such, the applicant has submitted this request for a Major Amendment to the Conditional Use Permit.

The property is located at 5301 U.S. Highway 16, immediately southwest of the intersection of U.S. Highway 16 and Fox Road. Currently, the property is developed as the National American University administrative offices. The main campus and classrooms of National American University will be relocating to the property in the near future.

STAFF REVIEW: Chapter 17.54.030.E of the Rapid City Municipal Code provides the criteria for review of a Conditional Use Permit. Staff has reviewed the proposed addition of electronic signage to the Conditional Use Permit according to the criteria and has noted the following considerations:

1. The location, character and natural features of the property:

The property is located at 5301 U.S. Highway 16 on the south side of Rapid City. The existing building is a one story office building and warehouse. The property is constructed of masonry with wood-like accents and with signage and entryway architectural features to break up the large expanses of brick exterior. The approved landscaping and parking plans are in compliance with City regulations. The proposed sign will be located on the northeastern corner of the property, at the intersection of the South Highway 16 Service Road and Fox Road.

2. The location, character and design of adjacent buildings:

Fox Road services approximately seven homes located to the west of the National American University campus. The residential properties are zoned Park Forest District and General Agriculture District. The proposed sign will be located approximately 1,300 feet to the east of the nearest residential property located at 5353 Berglund Road. The Business Park District continues to the south of the property. At this time, the National American University campus is the only structure located in the Business Park District. The property to the east of U.S. Highway 16 is zoned General Commercial District.

3. Proposed fencing, screening and landscaping:

The original site plan approved as a part of the Conditional Use Permit showed that the existing warehousing space will be converted to classrooms, offices, and labs for the

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University. A total of 681,800 landscaping points were approved as a part of the Conditional Use Permit. The landscaping is in compliance with City regulations and the site plan approved as a part of the original Conditional Use Permit. The proposed ground sign will not relocate or alter the landscaping plan. Landscaping features along the western edge of the property will provide some screening from the parking and structures located on that portion of the property. The previously approved ground sign and proposed LED message center are not currently screened from traffic travelling to and from the residential properties to the north and west of the University via Fox Road, or from traffic travelling on U.S. Highway 16. However, due to the purpose of signage, buffering or screening is not typically provided.

4. Proposed vegetation, topography and natural drainage:

The original site plan approved as a part of the Conditional Use Permit shows an increase in impervious surfaces as a result of increased parking. A stormwater runoff analysis was completed and submitted as a requirement of the original approved Conditional Use Permit. Public Works staff has noted that the proposed ground sign will not alter the natural drainage of the site.

5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:

Approved plans from the original Conditional Use Permit show the required amount of handicap accessible parking as well as pedestrian access through the parking area and a loop-trail system located on the campus. It appears that parking and circulation requirements for the proposed use are being met. The proposed sign will not impact parking and circulation on the site.

The applicant completed and submitted a Traffic Impact Study to Community Planning and Development Services as a requirement of the original Conditional Use Permit request in order to examine the effects of increased student and staff capacities at the location, and to determine any required infrastructure improvements. The approved Conditional Use Permit is expected to create a substantial increase in area traffic patterns. The applicant should note that prior to a Certificate of Occupancy, all street improvement recommendations identified in the Traffic Impact Study must be completed.

The U.S. Highway 16 Service Road is classified as a collector street on the City's Major Street Plan. Fox Road is classified as a sub-collector street. U.S. Highway 16 and the U.S. Highway 16 Service Road to the east, as well as Fox Road to the north, provide vehicular and bicycle access to the site. U.S. Highway 16 is a major north-south transportation route through the region, connecting Rapid City to the Black Hills. The proposed LED message center will be visible from U.S. Highway 16. The South Dakota Department of Transportation has noted that the location of the LED message center adjacent to a high speed multi-lane highway may create an unsafe diversion to passing traffic.

6. Existing traffic and traffic to be generated by the proposed use:

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According to the Institute of Traffic Engineers' trip generation data, the university and the administrative offices will generate approximately 1,628 trips per day, or approximately 212 trips per peak hour. The proposed LED message center is not expected to alter traffic generated in the area.

7. Proposed signs and lighting:

Public Works staff noted during review of the original Conditional Use Permit that the previously existing monument sign for National American University located at the northeastern corner of the property is currently within 10 feet of the property line. Rapid City Sign Code requires that signage less than 10 feet above grade must be set back a minimum of 10 feet from all property lines. As of this writing, the previously existing ground sign has not been removed or relocated. The applicant should be aware that the existing ground sign at the northeastern corner of the property must be removed from the required 10 foot signage set back.

The newly approved sign for which the LED message center has been proposed will also be located on the northeastern corner of the lot. The newly approved sign is a minimum of 10 feet above grade with a maximum height of 30 feet. The sign will include a total of 262 square feet of signage including the LED message center. The proposed LED message center is five feet tall by 13 feet wide, totaling 65 square feet of signage. The balance of signage submitted as a part of the building permit appears to meet all the requirements of the Rapid City Sign Code. However, Stipulation #5 of the original approved Conditional Use Permit (File #11UR026) states that no electronic signage shall be approved as a part of this Conditional Use Permit. Furthermore, Stipulation #5 also states that the addition of any electronic signage shall require a Major Amendment to the Conditional Use Permit.

In the past, Planning Commission has noted that the diversion created by an electronic LED message center adjacent to a principal arterial street compromises safe travel standards along the street. U.S. Highway 16 is classified as a principal arterial street on the City's Major Street Plan. The Planning Commission has previously denied a request to allow an electronic LED message center sign at the Furniture Row property, which abuts Interstate 90, noting safety concerns along the Interstate (File #07PD049). In addition, the South Dakota Department of Transportation has previously voiced concern with the diversion created by an electronic LED message center along Interstate 90 and, subsequently, did not support the electronic LED message center sign at the Furniture Row site. Similar concerns were raised for a proposed LED message center located at Cabela's, adjacent to Interstate 90, and the request for the electronic signage was also denied (File #07PD071). However, it should be noted that Planning Commission has also approved an LED message center with stipulations at the Superwash car wash located at 1501 Cambell Street (File #10PD006).

Based on previous direction by the Planning Commission to allow the Commission to determine the appropriateness of LED message centers in Planned Developments or Conditional Use Permits, staff recommends that the request for an LED message center be denied.

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8. The availability of public utilities and services:

The property is currently served by public utilities including Rapid City sewer and water. A study of utility capacity for the proposed development was completed and submitted to the Public Works Department as a requirement of the previously approved Conditional Use Permit. The proposed pylon sign will include interior-illuminated cabinet signage in addition to the proposed LED message center. Submitted plans for the proposed sign show that overhead power lines will not be utilized for power.

9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:

One of the goals of the Comprehensive Plan as identified in the Future Land Use Plan Overview adopted in 2008 is to maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods. One of the policies enacted in order to maintain a commitment to stable neighborhoods is to maintain a suitable buffer between low density residential development and more intensive non-residential uses. An additional adopted policy commits to stable neighborhoods by preventing encroachment by incompatible commercial and industrial uses. The proposed LED message center may create safety concerns to travelers along adjacent streets.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The existing and proposed development on the property is in compliance with the density, yard and height requirements of the Business Park District. The location of the previously approved ground sign is within the 10 foot setback requirements for ground signage. The proposed LED message center will not encroach into the required 10 foot setback.

11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:

A stormwater management plan was submitted to the Public Works Department for review and approval as a stipulation of the original approved Conditional Use Permit. An erosion and sediment control plan was submitted prior to issuance of a building permit. Currently existing noise and light emanating from the property appears to be sufficiently screened from neighboring uses. However, the addition of an LED message center may create safety concerns to travelers along adjacent streets.

12. The degree to which conditions imposed will mitigate any probably adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval of the Conditional Use Permit must serve as a tool to insure that the proposed expansion maintains compatibility with the surrounding area and uses.

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The original approved Conditional Use Permit acknowledged the potential adverse affects of electronic signage, and limited their use. Because of the purpose of signage, they are not typically buffered or screened from neighboring uses. The proposed LED message center is viewable by travelers going to and from the residential properties to the west of the National American University campus, and by travelers on U.S. Highway 16. Planning Commission has given previous direction to staff that the Commission be allowed to determine the appropriateness of LED signage in Planned Developments or Conditional Use Permits. Based on this direction, staff recommends the Major Amendment to the Conditional Use Permit be denied.

Notification Requirements: The required sign has been posted on the property. At this time, the required receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 24, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries regarding this Conditional Use request.