

STAFF REPORT  
July 25, 2013

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**No. 13PD025 - Major Amendment to a Planned Development to allow an electronic message center**      **ITEM 17**

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GENERAL INFORMATION:

APPLICANT	Ruby Tuesday
AGENT	Conrad's Big C Signs
PROPERTY OWNER	JR Investments LLC
REQUEST	<b>No. 13PD025 - Major Amendment to a Planned Development to allow an electronic message center</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Walpole Heights Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.55 acres
LOCATION	821 Fairmont Boulevard
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	Office Commercial District (Planned Development)
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 2, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

If the Planning Commission determines that the design and location of the proposed message center sign is appropriate for the property, then the Major Amendment to a Planned Development to allow an electronic message center shall be approved with the following stipulations:

1. The stipulations of approval of all previous Planned Developments on the property are hereby acknowledged;
2. A sign permit shall be required prior to installation of the sign;
3. Upon installation of the sign and three months after installation of the sign, documentation shall be provided showing that the sign does not exceed the brightness limitations set forth by the Rapid City Sign Code, and;

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4. All signage shall comply with the submitted sign package and the requirements of the Rapid City Sign Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. Additional electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for an electronic reader board sign. In particular, the applicant has requested to replace an existing marquee board sign located on a pole at the Ruby Tuesday location on Fairmont Boulevard with an electronic Light Emitting Diode (LED) reader board sign. The inclusion of any electronic or LED signage in the sign package of a Planned Development requires a Major Amendment to the Planned Development. On October 21, 2004, the Planning Commission approved a Major Amendment to the Planned Development (File #04PD058) to allow construction of a restaurant, known as Ruby Tuesday, within the Planned Development boundaries. On November 4, 2004, the Planning Commission approved a Major Amendment to the Planned Development to allow an on-sale liquor establishment in conjunction with the Ruby Tuesday restaurant (File #04PD068). The applicant should be aware that the stipulation of approval for all previously approved Planned Developments regarding the development and operation of the restaurant and the on-sale liquor uses on the property remain in effect today.

On June 7, 2007 a Major Amendment to a Planned Commercial Development was approved with stipulations which addressed signage and landscaping concerns resulting from a platting procedure. In particular, the associated platting procedure (File #07PL068) would create two off-premise signs on the subject property. The off-premise signage was removed in compliance with the requirements of the Major Amendment to the Planned Commercial Development.

On June 7, 2012, the Planning Commission approved a Major Amendment to the Planned Development (File #12PD019) to allow two existing signs at the Riddle's Jewelry location at 2707 Mount Rushmore Road to be replaced with one LED reader board. The applicant has submitted a similar request to revise the sign package to allow an LED reader board at the Ruby Tuesday location.

The property is located at 821 Fairmont Boulevard and is the location of the Ruby Tuesday restaurant.

STAFF REVIEW: Staff has reviewed the request for a Final Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

*There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;*

The Planned Development includes six lots. Ruby Tuesday is located on one of the six lots and is comprised of approximately 3.55 acres of land zoned General Commercial District. A number of Planned Developments are located on various portions of the property. The previously approved Planned Developments on the property allow for a mix of commercial uses, including jewelry manufacturing, a hotel, and a restaurant. The most recent Major

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Amendment to the Planned Development was to revise the approved sign package for Riddle's Jewelry to include an LED reader board sign. The applicant is now proposing to replace an existing marquee sign for a different business within the Planned Development with a slightly larger electronic reader board sign. The size, shape, or topography of the property does not appear to create particular conditions limiting the development of the property.

*The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;*

The Mount Rushmore Road corridor is a principal arterial street on the City's Major Street Plan, meant to accommodate the highest traffic volumes in the City. In addition, Mount Rushmore Road serves as the primary gateway to Mount Rushmore and the Black Hills. The increasing use of electronic signage in the Mount Rushmore Road Corridor may create distractions to travelers on the road. An electronic reader board sign showing on-premise advertising is a permitted use in a General Commercial District located outside of a Planned Development. However, the property is located within a Planned Commercial Development which allows the City to review additional criteria to establish the appropriateness of use(s) within the district. In particular, the criteria for review cite potential adverse impacts as a determination for the appropriateness of the use. The City's Sign Code would still allow for additional wall signage and ground signage without the addition of electronic signage. The application of the regulations for this particular property does not create undue hardship.

*Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;*

No Exceptions to the underlying zoning district have been requested. The proposed LED reader board sign is to be located on an existing pole sign which meets all the requirements of the Rapid City Sign Code. The existing marquee sign measures 4 feet tall by 8 feet long, totaling 32 square feet. The proposed LED message center sign measures 4 feet 7 inches tall by 7 feet 9 inches long, totaling approximately 35.58 square feet of signage. The proposed LED message center sign is approximately 3.5 square feet larger than the preexisting reader board. No other signage on the property is being altered at this time. With the elimination of the existing marquee sign and the addition of the proposed LED reader board sign, a total of 187.6 square feet of signage are proposed for the restaurant. It appears that all existing and proposed signage meets the requirements of the Rapid City Municipal Code. As previously noted, the Rapid City Sign Code allows electronic reader board signs within the General Commercial District. Due to the potential safety concerns associated with the distractions created by electronic reader board signs and the aesthetic impact of this design of sign, the Planning Commission has directed staff to allow the Commission to determine the appropriateness of an electronic reader board sign when located within a Planned Development and/or if proposed as a part of a Conditional Use Permit. This proposed electronic reader board sign is located directly adjacent to Mount Rushmore Road, a principal arterial street on the City's adopted Major Street Plan.

Transportation Planning staff has noted that Mount Rushmore Road is a high pedestrian/bicycle crash corridor. The Mount Rushmore Road Corridor study notes that

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computerized electronic billboards are receiving greater use, but present significant problems, including neighborhood impacts, conflicts with traffic signals, and a distraction to motorists by holding their attention longer than conventional signs. The Mount Rushmore Road Corridor Study goes on to identify best practices for the implementation of signage along the transportation corridor. Specifically, the study states that the placement and use of electronic billboards, especially video billboards, should be prohibited.

*A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;*

The City's Sign Regulations allows electronic reader board signs within the General Commercial District. However, the property is located within a Planned Development which allows the City to review additional criteria to establish the appropriateness of use(s) within the district. In particular, the criteria for review cite potential adverse impacts as a determination for the appropriateness of the use. Due to the potential safety concerns associated with the distractions created by electronic reader board signs and the aesthetic impact of this design of sign, the Planning Commission has directed staff to allow the Commission to determine the appropriateness of an electronic reader board sign when located within a Planned Development and/or if proposed as a part of a Conditional Use Permit.

*Any adverse impacts will be reasonably mitigated;*

The Planned Development must serve as the tool by which the adverse impacts of the Planned Development are mitigated. The Planning Commission has denied similar requests by applicants representing Furniture Row and Cabela's on Interstate 90 due to concerns regarding distractions on a high speed multi-lane roadway (File #07PD049 and #07PD071, respectively). However, requests for electronic signage have been approved with stipulations for Riddle's Jewelry located within the same Planned Development, the Speedwash located on Cambell Street, and National American University on U.S. Highway 16 (File #12PD019, #10PD006 and #12UR013). It should be noted that National American University is separated from U.S. Highway 16 by a service road, whereas the proposed electronic reader board sign for this property is located adjacent to Mount Rushmore Road. Mount Rushmore Road serves as the primary gateway between Rapid City and Mount Rushmore. Staff has noted that the intersection of Mount Rushmore Road and Fairmont Boulevard is highly congested, and lacks adequate pedestrian access. Blinking or scrolling signage can create a distraction for travelers using the street. As such, staff cannot support the request to allow an electronic reader board sign to be permitted as a part of the approved sign package for this Planned Development.

*The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;*

The requested electronic reader board sign is an alternative to marquee-type sign, bill boards, and other types of signage. However, the practice of moving, scrolling, and flashing advertising on electronic reader board signs may have a negative impact on public welfare.

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The intent of the Planned Development is to permit greater flexibility and promote development that is more economically efficient while being compatible with adjacent land uses than would otherwise normally be allowed by the underlying zoning district. The requested sign is located on property adjacent to a major transportation corridor suitable for commercial development. However, the use of electronic signage may have adverse affects along the corridor by creating potential distractions to travelers on Mount Rushmore Road.

Notification Requirements: The first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the July 25, 2013 Planning Commission meeting if this requirement has not been met. There have been no inquiries into the requested Major Amendment.