

STAFF REPORT
March 6, 2014

No. 14UR002 - Major Amendment to a Conditional Use Permit to allow an electronic message center **ITEM 11**

GENERAL INFORMATION:

APPLICANT	Yorkshire, LLC
PROPERTY OWNER	Yorkshire Limited Liability Company
REQUEST	No. 14UR002 - Major Amendment to a Conditional Use Permit to allow an electronic message center
EXISTING LEGAL DESCRIPTION	The north 114.4 feet of Lot C of Lot G of Government Lot 4 Less Lot H1, located in Section 35, T2N, R7E; and of the NW1/4 NW1/4 of Section 2, T1N, R7E; and the W1/2 of the vacated Kirkeby Lane adjacent to said north 114.4 feet of Lot C, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.560 acres
LOCATION	502 Mountain View Road
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	January 24, 2014
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an electronic message center be approved with the following stipulations:

1. If the Planning Commission should determine that this location is appropriate, then staff recommends that the proposed LED message center be approved as shown on the submitted plans and in compliance with the Rapid City Sign Code. All signage shall continually comply with the requirements of the Rapid City Sign Code. Changes to the signage which comply with the requirements of the Rapid City Sign Code will be permitted. A sign permit is required for reach sign;

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2. All parking shall continue to comply with the requirements of the Rapid City Municipal Code and the previously approved site plan;
3. All landscaping shall continue to comply with the requirements of the Rapid City Municipal Code and the previously approved landscaping plan;
4. All provisions of the International Fire Code shall be continually maintained;
5. All provisions of the General Commercial District shall be continually maintained, and;
6. This Major Amendment to the Conditional Use Permit shall allow the installation of an LED message center on the property as shown in submitted plans and in compliance with the Rapid City Sign Code. All permitted uses which do not increase parking requirements on the site shall be permitted. All conditional uses proposed on the site or uses which increase the required amount of parking shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: (Staff update 03/06/2014: All updated information has been included in bold print.) This item was continued at the February 20, 2014 Planning Commission meeting to the March 6, 2104 Planning Commission meeting due to a lack of quorum.

The applicant has submitted a Major Amendment to the Conditional Use Permit to allow a Light Emitting Diode (LED) message center to be installed as a part of the sign package for a car wash located at 502 Mountain View Road and zoned General Commercial District. On June 6, 2013, the Planning Commission approved a Conditional Use Permit application (File #13UR010) to allow the redevelopment of the car wash located on the property. A stipulation of approval for the car wash required that a Major Amendment to the Conditional Use Permit be obtained for the addition of LED signage on the property. The applicant is now proposing an LED message center to be located on the existing pole sign located on the western edge of the property and, as such, has submitted this Major Amendment to the Conditional Use Permit. No other changes to the site are being proposed.

The property is located at 502 Mountain View Road and is the location of Soapy Joe's Car Wash.

STAFF REVIEW: Staff has reviewed the request to allow an LED sign as a part of the approved sign package for the existing car wash per the requirements of Chapter 17.18.030.9 and Chapter 17.50.100 of the Rapid City Municipal Code and have noted the following considerations:

Adequate egress and ingress: Previously approved plans show that access for the car wash is being provided from Mountain View Road. It appears that adequate access and egress is being provided on the site.

Appropriate landscaping and screening: As noted in the previously approved Conditional use Permit, the car wash is located within an established commercial corridor and is not located in proximity to any residential development. Previously approved plans show that a minimum of 20,609 points of landscaping are being provided on the site. All landscaping must continue to comply with the requirements of the Rapid City Municipal Code and the approved site plan.

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Drainage plan: As a part of the submittal for a building permit, revised plans were submitted showing that the required sanitary sewer line is being provided. Public Works staff has not noted any issues with the drainage plan previously approved for the property.

Any other requirements the Council may deem appropriate: As noted in the previously approved Conditional Use Permit, the property is located with the 100 Year and 500 Year Federally Designated Flood Plain. Prior to issuance of a building permit, the applicant must obtain a flood plain development permit as needed.

Signage: Submitted plans show that the applicant is proposing to use the existing pole sign as the location for the proposed LED message center as well as an additional interior-lit sign. The proposed LED sign measures 46 inches by 94 inches, totaling 30.13 square feet of LED signage. The Rapid City Sign Code permits a maximum of 60 square feet of LED signage on a property. The existing pole sign is located along the western property line. Plans show that the proposed signs are a minimum of 10 feet above grade. The total height of the pole sign and all proposed signage is approximately 21.84 feet. The South Dakota Department of Transportation has been working with the applicant to ensure the proposed sign does not encroach into the State right-of-way. The proposed LED sign complies with all the requirements of the Rapid City Municipal Code. The balance of the sign package has been approved and complies with the requirements of the Rapid City Sign Code.

At the request of the Planning Commission, staff has brought all LED sign requests located within a Planned Development or a Conditional Use Permit to the Planning Commission for their determination. As such, if the Planning Commission should determine that the proposed LED sign is appropriate for the location, staff recommends that the requested LED message center be approved as shown on the submitted plans. All signage must comply with the requirements of the Rapid City Sign Code. Changes to the signage which comply with the requirements of the Rapid City Sign Code will be permitted. A sign permit is required for each sign.

Building Official Comments: A sign permit is required prior to installation of the sign. The sign must comply with all requirements of the Rapid City Sign Code, including but not limited to restrictions regarding brightness, flashing, full-motion video, display of the time and temperature, and on-premise advertising.

Parking: Previously approved plans on the property show that a minimum of 20 parking spaces are being provided. In addition, plans show that a minimum of 18 of the proposed off-street parking spaces are stacked spaces. All parking must continue to comply with the requirements of the Rapid City Municipal Code and the approved site plan.

The previously approved Conditional Use Permit noted that future plans for the property include the potential to expand the uses to include a pet wash on the property. The applicant should be aware that future expansion of the uses on the property would interfere with proposed parking, and would require additional parking. Future expansion of the facility to include a pet wash will require the review and approval of a Major Amendment to the Conditional Use Permit. All permitted uses which do not increase parking requirements on

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the site will be permitted. All conditional uses proposed on the site or uses which increase the required amount of parking will require the review and approval of a Major Amendment to the Conditional Use Permit.

Summary: The previously approved Conditional Use Permit remains valid with the approval of this Major Amendment to the Conditional Use Permit. The car wash is located within an established commercial corridor and is not adjacent to or in proximity to any residential development. The proposed LED sign meets all the requirements of the Rapid City Sign Code. If the Planning Commission should determine that the location is appropriate for the proposed LED message center, staff recommends that the Major Amendment to the Conditional Use Permit be approved with the stipulations outlined above.

Notification Requirements: **The notification letters have been returned to Community Planning and Development Services and have been mailed. The sign is posted on the property. As of this writing, there has been one inquiry into the proposed Major Amendment to the Conditional Use Permit. The inquiring party did not express support or opposition to the proposed request.**