

STAFF REPORT
May 8, 2014

No. 14UR010 - Major Amendment to a Conditional Use Permit to move a billboard **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Lamar Advertising
PROPERTY OWNER	Gary Howie
REQUEST	No. 14UR010 - Major Amendment to a Conditional Use Permit to move a billboard
EXISTING LEGAL DESCRIPTION	Lot 1R of Melvin Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.04 acres
LOCATION	3504 Edwards Street
EXISTING ZONING	Light Industrial District
FUTURE LAND USE DESIGNATION	Industrial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 8, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to move a billboard be approved with the following stipulations:

1. A sign permit shall be obtained prior to commencement of construction of the sign;
2. Prior to issuance of a sign permit, final construction plans signed and sealed by a registered professional engineer shall be submitted for review and approval. Final construction plans shall include the structural footing of the proposed sign;
3. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. All signage must comply with the requirements of the Rapid City Municipal Code. All lighting must be designed to preclude shining on all adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a

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- nuisance of any kind;
4. All requirements of the Light Industrial District and the Rapid City Sign Code shall be continually maintained, and;
 5. This Major Amendment to the Conditional Use Permit shall allow for the replacement of an existing off-premise sign. The sign shall be constructed as shown on approved plans. Changes to the construction of the sign shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to the Conditional Use Permit to alter the location of an existing billboard. On November 19, 2013, the Zoning Board of Adjustment granted a Variance (Variance #VAR123) for the property to allow an off-premise sign more than 30 feet in height, to allow an off-premise sign with a total square footage of greater than 250 square feet, and to allow an off-premise sign within 2,000 feet of another off-premise sign. The plans submitted with the Variance showed that the existing billboard was located within a 20 foot wide private lane easement. The plans also showed that the billboard would be relocated outside of the easement. On January 9, 2014, the Planning Commission approved a Conditional Use Permit to replace an existing off-premise sign (File #13UR022). Plans submitted with the approved Conditional Use Permit showed the existing sign was being relocated outside of the private lane easement to a location approximately 35 feet west of the eastern property line. Now the applicant has proposed a different location for the relocation of the billboard, approximately 17 feet from the eastern property line. The proposed location of the sign is within the private lane easement. However, on April 10, 2014, staff approved a Vacation of Easement (File #14VE006) to vacate those portions of the private lane easement located on the property. The applicant has subsequently submitted this Major Amendment to the Conditional Use Permit to allow the existing billboard to be located at the revised location, 17 feet from the eastern property line.

The property is located south of Interstate 90, west of the intersection of Elk Vale Road and Interstate 90. Currently, the property is developed with an auto-towing business and an off-premise sign.

STAFF REVIEW: Staff has reviewed the proposed off-premise sign per the requirements of Section 17.50.380 of the Rapid City Municipal Code and has noted the following considerations:

Section 17.50.380. Off-Premise Signage as a Conditional Use, Criteria for Review: The criteria for review of an off-premise sign are as follows:

The minimum requirements of the City's Sign Code;

The submitted site plan shows that the existing sign is located along the eastern property line. The previously approved Conditional Use Permit showed the sign being relocated approximately 35 feet west of the eastern property line. Newly submitted plans show the sign located approximately 17 feet from the eastern property line. The existing sign is 480 square feet and is located on a 38 foot tall pole. The proposed replacement sign measures 10 foot 6 inches tall by 36 feet wide, totaling 378 square feet. This is an overall 102 square

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foot reduction in the size of the sign. The applicant is proposing to mount the sign on a 27 foot 6 inch tall metal monopole, bringing the total height of the sign to 38 feet. As previously noted, the variance approved for the property is to allow a sign in excess of 250 square feet in size and in excess of 30 feet in height. The proposed sign appears to meet all requirements for square footage and height as approved in the obtained Variance. The Rapid City Sign Code requires that engineered plans for all signs in accordance with adopted building codes must be submitted. As such, prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer must be submitted for review and approval.

The standard requirements for all conditional uses set forth in Rapid City Municipal Code Chapter 17.54.030:

The proposed off-premise sign has been reviewed per the requirements of Chapter 17.54.030 and appears to meet all the requirements for a conditional use.

Size of the proposed off-premise sign:

As previously noted, the approved Variance for the property allows a sign with a square footage greater than 250 square feet. Plans submitted for the Variance showed a proposed sign measuring 10 foot 6 inches high by 36 feet in length, totaling 378 square feet in size. The submitted plans show a sign measuring 10 foot 6 inches in height by 36 feet in length, with a total square footage of 378 square feet. The proposed sign is an approximate 102 square foot reduction from the existing sign.

Spacing from adjacent off-premise signs;

The applicant has proposed to replace the existing legally non-complying off-premise sign with a sign meeting all requirements of the Rapid City Municipal Code with the exception of spacing. Rapid City Municipal Code Chapter 17.50.090.E states that any legal non-conforming off-premise sign may be reconstructed by the current permit holder in the same location as it currently exists so long as the alterations or reconstruction of the sign bring it into compliance with all of the provisions of this chapter with the exception of any spacing requirements between signs. The applicant has requested and has been granted a Variance from the Rapid City Sign Code, including the requirement for spacing between signs.

Density of off-premise signs in the neighborhood;

There are a number of off-premise signs located within the 1,500 foot boundary designated by the Rapid City Municipal Code. The proposed sign is a replacement of an existing billboard and, as such, does not create an overall increase in the density of signs in the neighborhood. Interstate 90 is a major state, regional and local transportation corridor in the City and located adjacent to commercial and industrial development, making a suitable location for off-premise signage. In the past, high traffic-volume commercial corridors have been deemed the appropriate location for off-premise signage. In addition, the proposed sign is an overall reduction in the size of the sign on the property. Rapid City Municipal Code

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Chapter 15.30.050.A states that any legal non-conforming off-premise sign may be reconstructed by the current permit holder in the same location as it currently exists so long as the alterations or reconstruction of the sign bring it into compliance with all of the provisions of this chapter with the exception of any spacing requirements between signs.

Height of the off-premise sign;

The proposed sign is 10 feet, 6 inches tall and is located atop a 27 foot 6 inch tall mono-pole structure, bringing the total height of the structure to 38 feet. Rapid City Municipal Code Chapter 15.30.020.C states that the maximum height of an off-premise sign is 30 feet. As previously noted, the approved Variance for the property is to allow a 38 foot tall off-premise sign. The proposed sign meets the height requirements of the approved Variance.

Proposed lighting;

The proposed sign is an exterior illuminated sign. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit.

Upon construction, all signage must comply with the requirements of the Rapid City Municipal Code. All lighting must be designed to preclude shining on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind.

Impacts upon significant urban or natural viewsheds;

The proposed sign is located along a busy commercial and industrial corridor and does not appear to impact any urban or natural viewsheds.

Impacts upon nearby residences;

There are no residentially zoned properties adjacent to the location of the proposed sign. The nearest residentially zoned property is located approximately 3,000 feet southeast of the property, on the east side of Elk Vale Road. It does not appear the proposed sign will impact any nearby residences.

Location with respect to any major community entryways, historic property, parks, schools, churches, playgrounds or similar public and recreational uses;

The location of the proposed sign is adjacent to Interstate 90 within the northeast section of the City. Interstate 90 is a major state, regional and local transportation corridor in the City and located adjacent to commercial and industrial development, making a suitable location for off-premise signage. The proposed sign is a replacement of an existing, larger sign and, as such, does not create an increase in the density in signage in the area. There are no historic properties, parks, schools, churches, playgrounds, or other recreational uses in the vicinity.

Other criteria deemed pertinent to the review of the conditional use;

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The Rapid City Building Official has reviewed the proposed off-premise sign and has noted that all off-premise signage must comply with the requirements of the Rapid City Sign Code. The South Dakota Department of Transportation has noted no issues with the proposed sign. Chapter 15.30.050.A of the Rapid City Municipal Code states that any legal non-conforming off-premise sign may be reconstructed by the current permit holder in the same location as it currently exists so long as the alterations or reconstruction of the sign bring it into compliance with all of the provisions of this Chapter with the exception of any spacing requirements between signs. The proposed off-premise sign is an overall reduction of the total square footage of signage by 102 square feet. The approved Variance for the property will allow for a sign totaling 378 square feet located on a 38 foot tall mono-pole and within 2,000 feet of another off-premise sign. For these reasons, staff recommends that the Major Amendment to the Conditional Use Permit to alter the location of an existing off-premise sign be approved with the stipulations outlined above.

Notification Requirements: The notification letters have been returned to Community Planning and Development Services. The sign has been picked up, but as of this writing staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the May 8, 2014 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries regarding the proposed Conditional Use Permit.