



# Rapid City Planning Commission

## Planned Development Project Report

November 25, 2015

Applicant Request(s)
Case # 15UR023, a Conditional Use Permit to convert signage to an electronic message center Companion Case(s) #: N/A

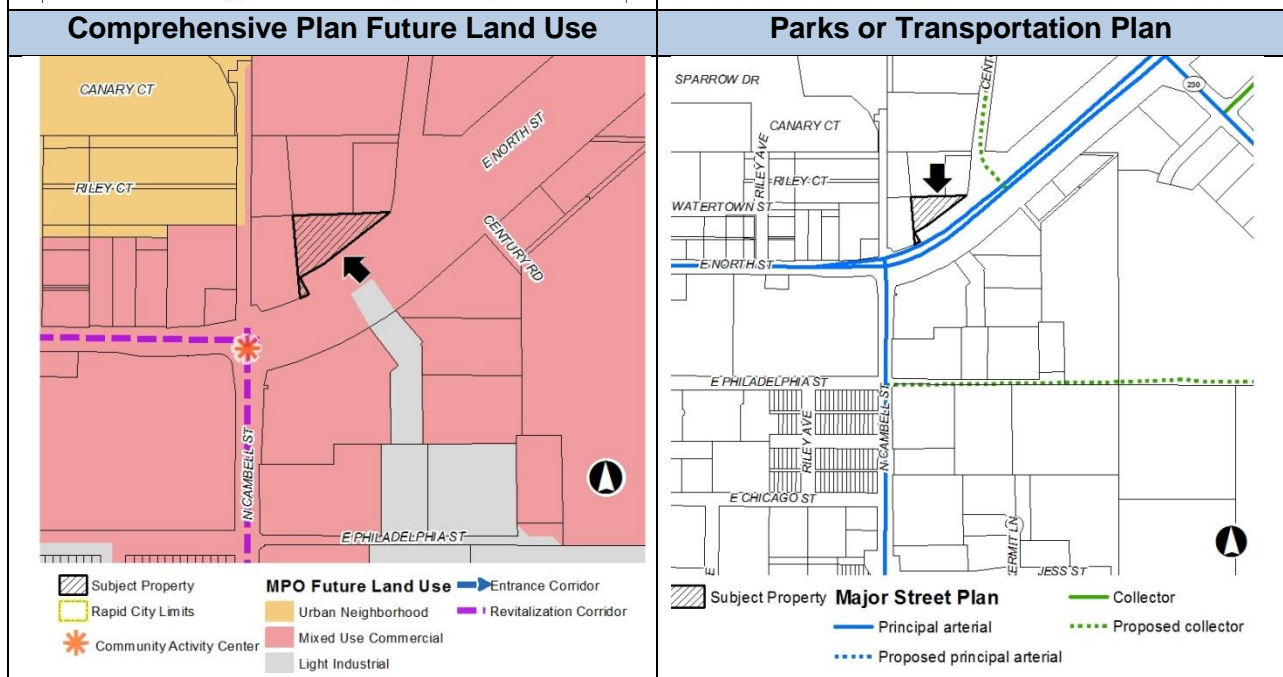
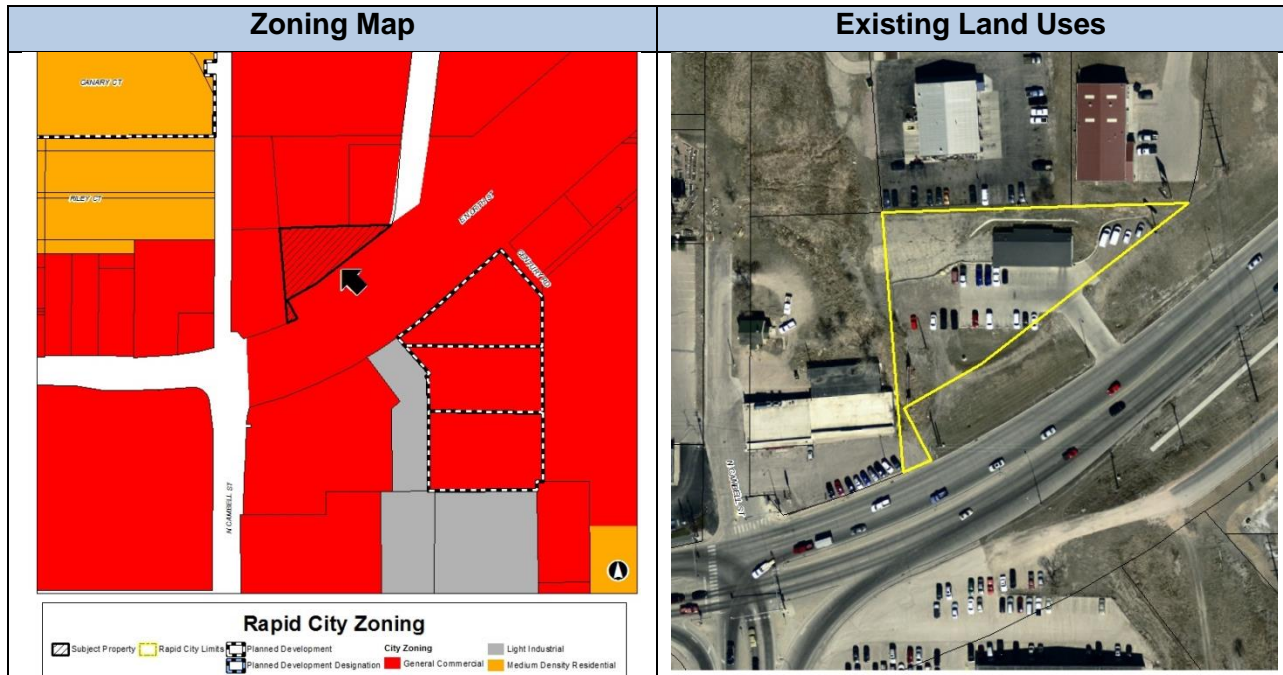
Development Review Team Recommendation(s)
The Development Review Team recommends that the requested Conditional Use Permit to allow conversion of existing signage to an electronic message center be denied.

Project Summary Brief
The applicant has submitted this request for a Conditional Use Permit to allow conversion of an existing billboard to a digital billboard. Lamar Outdoor Advertising currently operates two static signs built side-by-side on the subject property north of the intersection of Cambell Street and East North Street. They are proposing to consolidate the two existing static signs to one combination electronic message center and billboard. The east-facing side of the sign would be converted to a 250 square foot digital message center, while the west-facing side of the sign would be a 250 square foot standard, static off-premise sign. Submitted plans show the proposed sign will meet all requirements of the Rapid City Sign Code with the exception of spacing. Please note that the Rapid City Attorney's Office has provided the Planning Commission additional background information into digital advertising in an associated memo. However, due to a recent court decision, a previous ban on digital billboards which had been overturned is back in effect. As such, due to the citizens' initiated measure, digital billboards are neither a permitted nor a conditional use in the City of Rapid City.

Applicant Information	Development Review Team Contacts
Applicant: Lamar Advertising.	Planner: Robert Laroco
Property Owner: Farrar Soderberg, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Janet Kaiser
Surveyor: N/A	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1254 East North Street, north of the intersection of Cambell Street and East North Street
Neighborhood	North Rapid Neighborhood
Subdivision	Section 32, T2N, R8E
Land Area	Approximately 0.79 acres, 34,413 sq ft
Existing Buildings	Existing automobile rental/dealership, 2 existing off-premise signs
Topography	Sloping uphill across the property from south to north
Access	East North Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC, Community Activity Center, Revitalization corridor	Existing retail/services, off-premise signage
Adjacent North	GC	MUC	Existing auto repair shop
Adjacent South	GC, GC/PD, LI	MUC, Community Activity Center, Revitalization corridor	South Dakota Department of Human Services
Adjacent East	GC, GC/PD	MUC, LI, Community Activity Center	Existing retail/services
Adjacent West	GC	MUC, Community Activity Center, Revitalization corridor	Existing retail/services







Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	No minimum required	0.79 ac, approximately 34,413 sq ft	
Lot Frontage	No minimum required	Approximately 450 ft	
Maximum Building Heights	30 ft total sign height	30 ft	
Maximum Density	75% maximum	Unknown, < 75%	
Minimum Building Setback:			
• Front	10 ft back or 10 ft above grade	5 ft, 18.7 ft above grade	
• Rear	10 ft back or 10 ft above grade	Approximately 180 ft	
• Side	10 ft back or 10 ft above grade	5 ft, approximately 18.7 feet above grade	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	N/A	N/A	
• # of ADA spaces	N/A	N/A	
Signage	Per RCMC	Per RCMC	
Fencing	Per RCMC	None proposed.	




Planning Commission Criteria and Findings for Approval or Denial	
<p><b>Pursuant to Section 17.52.030.E of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Conditional Use Permit:</b></p>	
	<b>Findings</b>
1. The location, character, and natural features of the property;	The property is comprised of 0.79 acres located in a commercially zoned neighborhood. The property is generally sloped uphill from south to north.
2. The location, character, and design of adjacent buildings;	Property in all directions is generally developed with commercial strip malls and other service uses
3. Proposed fencing, screening, and landscaping;	No additional or altered fencing, screening, and landscaping is proposed.
4. Proposed vegetations, topography, and natural drainage;	No additional vegetation or alteration of topography or natural drainage is proposed.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	The proposed off-premise sign does not create additional traffic or generate additional parking for the site. No alterations to the parking and circulation for the existing auto rental and dealership are being proposed as a part of the Conditional Use Permit. The property does not currently have sidewalks.
6. Existing traffic and traffic to be generated by the proposed use;	Transportation Planning staff has noted that the proposed off-premise sign does not create any impacts to the area street network and the City's Major Street Plan. A Traffic Impact Study is not required. Both Cambell Street and

	<p>East North Street are principal arterial streets on the City's Major Street Plan, capable of handling high volumes of residential, commercial, and industrial traffic. Principal arterial street corridors are seen as the appropriate location for off-premise advertising.</p>
<p>7. Proposed signs and lighting;</p>	<p>The applicant has indicated that the proposed sign will include a one-sided 22.1 foot wide by 11.3 foot tall digitally illuminated advertising face, totaling 249.73 square feet. The proposed billboard will also include a one-sided 23 foot wide by 10.75 foot tall static advertising face, totaling 247.25 square feet. The signage will be located on a center-mount monopole at a total height no greater the 30 feet. The bottom of the signage will be no less than 18.75 feet above grade.</p> <p>The Rapid City Sign Code states that when an existing, legally non-conforming sign is altered or improved in any way, the sign must be brought into compliance with all the requirements of the Rapid City Municipal Code with the exception of spacing. Submitted plans show the nearest off-premise sign is located approximately 400 feet west of this location.</p>
<p>8. The availability of public utilities and services;</p>	<p>The site is serviced by Rapid City water and sewer. Public Works staff has not noted any utility capacity issues for the proposed signage.</p>
<p>9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;</p>	<p>The Rapid City Comprehensive Plan notes that the property is designated for mixed use commercial development and is located within a Community Activity Center and in proximity to the revitalization corridor in the City. Reinvestment in these revitalization corridors should be focused on improvements which include the use of coordinated signage. For the purposes of existing off-premise signage, coordination includes compliance with the requirements of the Rapid City Sign Code.</p> <p>Goal "LC-1.2" of the Rapid City Comprehensive Plan is to focus on maintaining and enforcing standards in the Ordinance that address property upkeep and appearance. Due to a recent court decision, a previous ban on digital billboards which had been overturned is back in effect. As such, due to the citizens' initiated measure, digital billboards are neither a permitted nor a conditional use in the City of Rapid City and are not in compliance with the Rapid City Comprehensive Plan.</p>
<p>10. The overall density, yard, height, and other requirements of the zone in which it is located;</p>	<p>Plans show that the proposed sign meets all required density, setback, and building height requirements of the General Commercial District with the requirement of spacing. A previously noted, alteration of an off-premise sign may be permitted provided that all requirements of the Rapid City Municipal Code are met with the exception of spacing. However, due to a recent court decision, digital billboards are neither a permitted nor a conditional use in the General Commercial District.</p>
<p>11. The effects of noise, odor,</p>	<p>The proposed sign is located within an established</p>

<p>smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;</p>	<p>commercial corridor at the intersection of two principal arterial streets on the City's Major Street Plan. Property located approximately 250 feet to the northwest is zoned Medium Density Residential District and is currently developed with mobile homes. However, submitted plans show that the digitally illuminated side of the proposed billboard will be facing east, away from the residential uses, and, as such, it appear that potential impacts of an illuminated sign are being mitigated.</p> <p>The existing signage is located at a lower elevation than the balance of the property, which helps to mitigate impacts to the existing view sheds facing south and west across the City into the Black Hills. However, staff cannot determine what, if any, additional impact the proposed 30 foot tall, 250 square foot sign will have on area view sheds. It should be noted that the total mass of the signs will be reduced by roughly half as a result of the proposed conversion. However, due to a recent court decision, digital billboards are neither a permitted nor a conditional use in the General Commercial District.</p>
<p>12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.</p>	<p>Rapid City Municipal Code Chapter 17.50.080.N.1 requires that any illuminated sign must comply with the brightness standards established, including the requirement to dim at nightfall. The applicant has indicated that the proposed digital billboard will comply with all requirements of the Rapid City Sign Code, including brightness. However, due to a recent court decision, digital billboards are neither a permitted nor a conditional use in the General Commercial District.</p>

**Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial**  
**In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
N/A	N/A
	<b>A Vibrant, Livable Community</b>
N/A	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
N/A	N/A

 <b>Economic Stability and Growth</b>	
N/A	N/A
 <b>Outstanding Recreational and Cultural Opportunities</b>	
N/A	N/A
 <b>Responsive, Accessible, and Effective Governance</b>	
GOV-2.1A	<u>Public Input Opportunities</u> : The Conditional Use Permit requires notification of surrounding property owners and posting of a sign on the property. These notification requirements allow public input into the proposed development. As of this writing, there has been two inquiries into the proposed Conditional Use Permit. Neither resident expressed opposition to the requested sign conversion.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Mixed Use Commercial, Community Activity Center, Revitalization Corridor
<b>Design Standards:</b>	
GDP-MU7	<u>Rehabilitation of Existing Activity Centers and Corridors</u> : The requested Conditional Use Permit will encourage reinvestment into the East North Street corridor.
BPG-1.2C	<u>Priority Revitalization Corridors</u> : The revitalization of commercial corridors should incorporate design features including coordinated signage and lighting.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	North Rapid Neighborhood
<b>Neighborhood Goal/Policy:</b>	
NR-NA1.1A	<u>Reinvestment Areas</u> : The proposed conversion of the existing sign would encourage reinvestment into the area in proximity to the Northgate Shopping Center.

<b>The Development Review Team Recommends that the request for a Conditional Use Permit to allow conversion of an existing billboard into a digital message center be denied for the following reason:</b>	
<ul style="list-style-type: none"> <li>In June of 2011, Rapid City voters adopted the “Citizens’ Billboard Control Initiative”, which prohibited electronic variable messages and internal illumination for off-premise signs. Lamar Advertising filed suit, claiming that the ban was in violation of state law. At the time, District Court Judge Viken ruled in favor of Lamar, and concluded that the ban could not be enforced. However, in September of 2015 Judge Viken vacated his previous ruling, citing a lack of jurisdiction and claims by Lamar that were not yet “ripe”. Rapid City Municipal Code was never amended to remove the digital billboard ban and, as a result of this vacated decision, the ban on digital billboards is once again in effect. As such, conversion of this signage to a digital billboard is not permitted by the Rapid City Municipal Code.</li> </ul>	

**Staff recommends that the requested Conditional Use Permit be denied.**