

STAFF REPORT  
March 10, 2005

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**No. 05UR003 - Conditional Use Permit to allow the construction of an off-premise sign**      **ITEM 51**

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GENERAL INFORMATION:

PETITIONER	Laura Jones for Herman and Wanda Jones
REQUEST	<b>No. 05UR003 - Conditional Use Permit to allow the construction of an off-premise sign</b>
EXISTING LEGAL DESCRIPTION	in the balance of Lot C of the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 18.510 acres
LOCATION	Along Highway 16 near milepost 65
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Commercial District/General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/7/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of an off-premise sign be approved with the following stipulations:

1. The two sign faces of the sign shall be mounted on a monopole and be parallel or separated at an angle no greater than 20 degrees;
2. The light from any light source intended to illuminate the proposed off-premise sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, or adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas as per Section 15.2.160 of the Rapid City Municipal Code;
3. An Electrical Permit shall be obtained for the proposed sign;
4. A Sign Permit shall be obtained prior initiation of construction as per Section 15.28 of the Rapid City Municipal Code;
5. A Sign License shall be obtained prior to initiation of construction as per Section 15.28.060 of the Rapid City Municipal Code;

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6. An engineer stamped design for the proposed sign with topographical map and utility locations shown shall be provided for review and approval, prior to issuance of a Sign Permit;
7. A new letter from the South Dakota Department of Transportation shall be submitted indicating approval of the proposed sign as per South Dakota Codified Law 36-1-04;
8. The applicant shall submit two off-premise sign credits prior to issuance of an off-premise Sign License as per Section 15.28.060 of the Rapid City Municipal Code;
9. The proposed off-premise sign shall conform architecturally to the plans and elevations submitted;
10. Prior to issuance of a Sign Permit, a revised site plan shall be submitted, showing a landscaping buffer that will screen the proposed sign's support pole from the South Dakota Highway 16 right-of-way, for review and approval;
11. The proposed off-premise sign shall continually comply with all applicable provisions of the Sign Code and the variance approved by the City Council; and,
12. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

**GENERAL COMMENTS:** The subject property is located on the east side of South Dakota Highway 16 between Fox Run Drive and Enchantment Road. On December 15, 2004 the Rapid City Sign Code Board of Appeals approved a variance to the minimum spacing distance between off-premise signs requirement, and denied a variance request to allow more than one display face on each side of the proposed sign. On January 17, 2005 the City Council affirmed the decision of the Sign Code Board of Appeals to allow a reduction in off-premise sign distance separation, and allowed the proposed off-premise sign to exceed the 30 foot height limit and allow up to a 37 foot high off-premise sign on the subject property. The applicant is now requesting approval of a Conditional Use Permit to allow an off-premise sign in the General Commercial Zoning District.

**STAFF REVIEW:** Staff has reviewed the proposed Conditional Use Permit and noted the following considerations:

**Design Features:** The applicant has indicated that the proposed sign will be 24 feet wide by 10 feet high with two faces. Chapter 15.28 of the Rapid City Municipal Code requires that the two faces of an off-premise sign be parallel to each other or separated by no greater than 20 degrees. Staff noted that the two sign faces of the sign must be mounted on a monopole and be parallel or separated at an angle no greater than 20 degrees.

**Lighting:** The submitted sign elevation shows that the sign will be externally lit. Staff noted that the light from any light source intended to illuminate the proposed off-premise sign must be so shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, or adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas as per Section 15.2.160 of the Rapid City Municipal Code. Staff noted that an Electrical Permit must be obtained for the proposed sign.

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Sign Permit and License: Staff noted that a Sign Permit must be obtained prior initiation of construction as per Section 15.28 of the Rapid City Municipal Code. Staff also noted that a Sign License must be obtained prior to initiation of construction as per Section 15.28.060 of the Rapid City Municipal Code.

Engineered Design: Staff noted that the proposed sign must meet the minimum construction standards found in Chapter 15.28.120, Tables 1 and 2 of the Rapid City Municipal Code. As such an engineer stamped design for the proposed sign with topographical map and utility locations shown must be provided for review and approval, prior to issuance of a Sign Permit.

Department of Transportation Statement: The proposed sign is located adjacent to South Dakota Highway 16 which is controlled by the South Dakota Department of Transportation. Staff noted that the applicant submitted a letter from the South Dakota Department of Transportation indicating approval of the proposed sign. However, the letter submitted was dated in the year 2000. As such, a new letter from the South Dakota Department of Transportation must be submitted indicating approval of the proposed sign as per South Dakota Codified Law 36-1-04.

Sign Credits: Staff noted that an off-premise sign license cannot be issued for a new off-premise sign unless the owner or lessee of the land, where the off-premise sign is proposed to be located, surrenders two off-premise sign credits. As such, the applicant must submit two off-premise sign credits prior to issuance of an off-premise Sign License as per Section 15.28.060 of the Rapid City Municipal Code.

Future Land Use Plan: The adopted South Robbinsdale Future Land Use Plan identifies this property as appropriate for General Commercial development. Currently the future land use of the subject property is not anticipated to change.

Landscaping Buffer: The proposed off-premise sign is located in an area of Rapid City that serves as an entryway to the community for those traveling from the south. Staff is concerned with the appearance of the proposed off-premise sign as numerous people will travel by it daily. As such, staff is recommending that the site plan be revised to show a landscaping buffer that will screen the proposed signs support pole from the South Dakota Highway 16 right-of-way, prior to issuance of a Sign Permit.

Notification Requirement: As of this writing, receipts from the certified mailings have not been returned nor has the required sign been posted on the property. Staff will notify the Planning Commission at the March 10, 2005 Planning Commission meeting if these requirements have not been met.