



Rapid City Zoning Board of Adjustment Variance Project Report

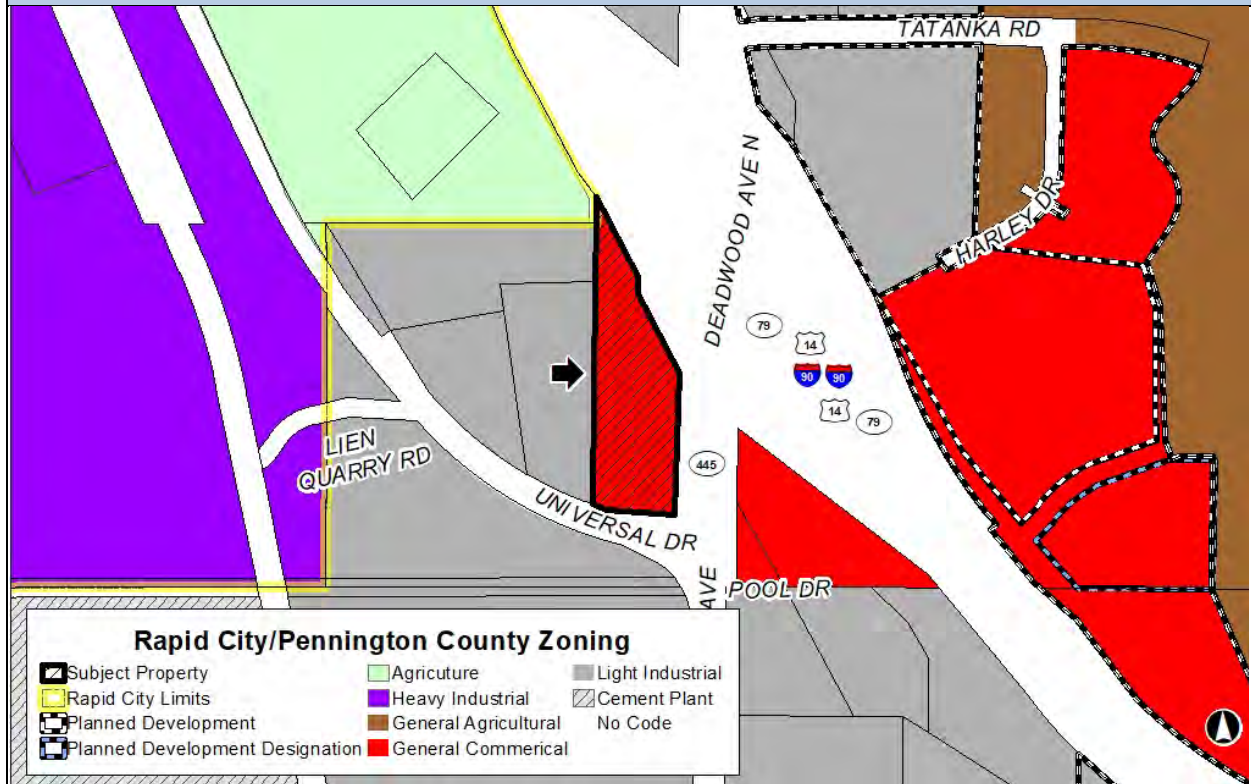
October 21, 2021

Item #3	
Applicant Request(s)	
Case #21VA009, Variance to allow an 85-foot high sign in lieu of a maximum allowed 45-foot sign.	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Variance request be denied.	
Project Summary Brief	
<p>The applicant has submitted a request for a Variance to allow an 85-foot high sign in lieu of a maximum allowed 45-foot high sign. More specifically, the proposed sign is to replace an existing 84.54-foot high legal non-conforming sign at the Pilot Travel Center near the intersection of Interstate 90 and Deadwood Avenue. The existing sign consists of two poles 11.125 feet apart and has a cumulative face area of 313.7 square feet on each side. The proposed sign will consist of a single pole with a cumulative face area of 418.75 square feet on each side. The applicant is proposing to build the new sign at the same location as the existing sign, approximately 100 feet from the Interstate 90 off ramp right-of-way and approximately 70 feet from the nearest property line. The applicant has indicated that the existing sign is experiencing structural issues and needs to be replaced, and that the height is necessary to catch the attention of passing motorists on Interstate 90. The applicant has also stated that trees along Interstate 90 would block a 45-foot tall sign.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Brad Everett of Texas Republic Signs, LLC	Planner: Karl Bauer
Property Owner: Pilot Travel Centers, LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: City
Other: N/A	Sewer: City
Subject Property Information	
Address/Location	2783 Deadwood Avenue
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	E ½ SE ¼ S21 T2N R7E
Land Area	5.52 acres
Existing Buildings	Restaurant, convenience store, fueling canopies, windmill
Topography	Mostly flat
Access	Deadwood Avenue, Universal Drive
Water / Sewer	City of Rapid City
Electric/Gas Provider	Black Hills Energy/MDU
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Truck Stop with a restaurant
Adjacent North	LI	MUC	Implement Dealership
Adjacent South	LI	HI	Void of Structural Development
Adjacent East	GC	MUC	Motorcycle Dealership
Adjacent West	LI, Ag. (County)	MUC/ME	Parking lot

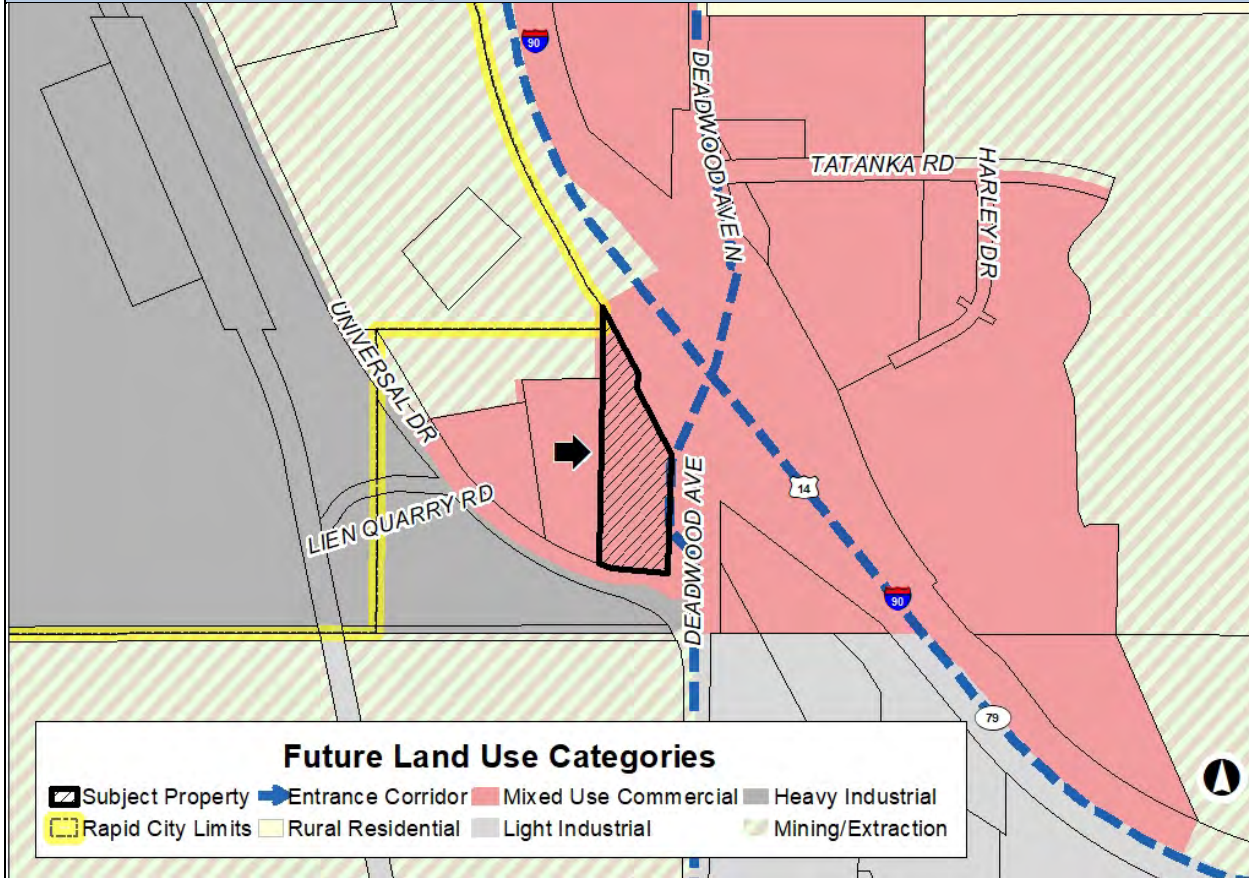
Zoning Map



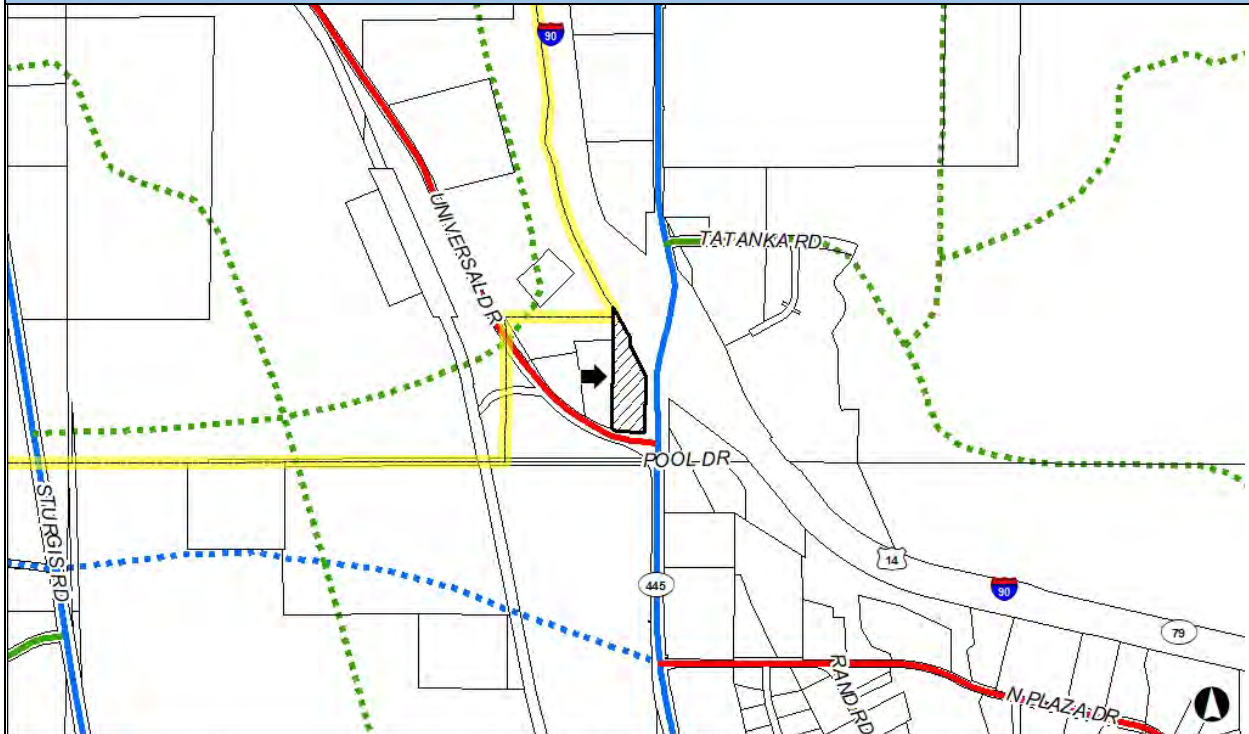
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
	Required	Proposed	
Lot Area	0 square feet	5.52 acres	
Lot Frontage / Lot Width	0 feet	Approx. 1,500 feet/ approx. 290 feet	
Maximum Building Heights	4 stories or 45 feet	N/A	
Maximum Lot Coverage	75%	N/A	
Minimum Building Setback:			
• Front	25 feet	N/A	
• Rear	0 feet	N/A	
• Side	0 feet	N/A	
• Street Side	25 feet	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	Max. height 45 feet	85 feet	
Fencing	As per RCMC 17.50.340	As per RCMC 17.50.340	
Applicant's Justification:			
<p>Pursuant to Chapter 17.54.020.D of the Rapid City Municipal Code, before the Board shall have the authority to grant a variance, the applicant must adequately address the following criteria: Applicants Response (verbatim):</p> <p>Written Statement: We are requesting a Variance from Rapid City Code 17.50.100 On Premises Signage Section B.(2) for the maximum height of 45'. We are requesting to be able to install the new sign at 85' to match height of the existing sign.</p>			
Criteria:			
1. The granting of the Variance will not be contrary to the public interest;	No, Pilot currently has a sign that's 85' in height.		
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	Trees on the southbound exit would block a 45' sign from being seen to safely exit. The existing 85' sign clearly with enough height to be seen.		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	Yes		
4. By granting the Variance contrary to the provisions of this title, the spirit of this title and the city's Comprehensive Plan will be observed; and,	Yes		

5. By granting the variance, substantial justice will be done.	There will be no change as the existing sign is 85' tall.
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Board of Adjustment Criteria and Findings for Approval

Should the Board of Adjustment grant the to allow an 85-foot high sign in lieu of a maximum allowed 45-foot sign, the following criteria, findings, and conditions of approval would be applicable:

Criteria:	Findings:
1. The variance is for a use allowed in the zoning district.	The subject property is located at 2783 Deadwood Avenue. The property is occupied by a truck stop with fueling pumps and a restaurant, all of which are allowed uses in the General Commercial District. On-premises signs are also allowed in this district, however, the proposed height of the new sign is 40 feet in excess of the allowed 45 feet per Section 17.50.100(B)(2) of the Rapid City Municipal Code.

Board of Adjustment Criteria and Findings for Denial

Should the Board of Adjustment deny the Variance to allow a 6-foot high fence in lieu of a maximum 4-foot high fence in the front yard, with a 0-foot front yard setback in lieu of a minimum 25-foot front yard setback, the following criteria, findings, and conditions of approval would be applicable:

Criteria:	Findings:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	Denial of this Variance does not prevent reasonable use of the land. The applicant could potentially repair the existing legal non-conforming sign and maintain the existing height, or the applicant could construct a 45-foot sign. Limiting the height of the sign to a maximum of 45 feet does not deny the applicant reasonable use of the property.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.).	The property is generally flat in nature and is over five acres in area. Staff has not identified a special circumstance associated with the property.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The Rapid City Municipal Code allows for a maximum sign height of 45 feet. The applicant has submitted a simulation of what a 45-foot sign would look like against the trees, and the top is visible. The existing 85-foot sign appears well above the trees. The applicant could potentially reduce the height of the sign and achieve the desired effect of catching the attention of Interstate 90 traffic.
4. The variance is in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.	The property is located at the intersection of two Entrance Corridors, Interstate 90 and Deadwood Avenue. The Rapid City Comprehensive Plan (Goal LC-1.3) indicates that views along Interstate 90 should be preserved, and there should be screening and buffering for neighboring properties. Allowing an 85-foot high sign along these entrance corridors is not in compliance with the City's Comprehensive Plan. In addition, allowing the 85-foot high sign could establish a precedent for other businesses along Interstate 90 based on similar reasons creating undesirable signage along an Entrance Corridor.

Summary of Findings

Reasonable use of the property is not being denied by limiting the sign to a height of 45 feet as per the City's Sign Code. Allowing an 85-foot high sign to capture the attention of the traveling public along Interstate 90 could establish a precedent for other businesses along that same corridor. The City's Comprehensive plan identifies that views along Interstate 90, an Entrance Corridor, must be preserved. This goal is not being met if an 85-foot high sign is allowed. Even though trees along Interstate 90 interfere with some of the sign's visibility, many travelers today utilize GPS systems to find their destination which reduces the distance that signs must be visible along the adjacent roadways. Based on these reasons, staff cannot support the requested Variance.

ZBOA Recommendation and Stipulations of Approval

Staff recommends that the Variance to allow an 85-foot high sign in lieu of a maximum allowed 45-foot sign be denied.