

## AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: RQR-21510 - APPLICANT: LAMAR OUTDOOR  
ADVERTISING - OWNER: Z J & R PROPERTIES

---

### \*\* CONDITIONS \*\*

The Planning Commission (5-2/ se, bg vote) and staff recommend DENIAL.

#### Planning and Development

1. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

Appeal filed from the denial by the Planning Commission of a Required One Year Review of an Approved Special Use Permit (U-0043-94) that allowed a 50-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 3900 West Charleston Boulevard.

This is the sixth review of the subject Off-Premise Advertising (Billboard) Sign. The subject Off-Premise Advertising (Billboard) Sign is not considered appropriate. The sign does not have building permits thus failing to comply with Code requirements. Denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/20/94*	The City Council approved a Special Use Permit (U-0043-94) for two 55-foot tall, 14-foot x 48-foot OffPremise Advertising (Billboard) Signs on the subject site.
05/29/99	The City Council approved a required five-year review [U-0043-94(1)] on the approved Special Use Permit; subject to review in two years time.
07/05/01	The City Council approved a required two-year review [U-0043-94(2)] on the approved Special Use Permit; subject to a one-year review for the billboard located at 3900 West Charleston Boulevard, and a two-year review for the billboard located at 3920 West Charleston Boulevard. The Planning Commission voted to approve the billboard at 3920 West Charleston Boulevard and denial of the billboard at 3900 West Charleston Boulevard.
08/21/02	The City Council reviewed an appeal of the denial of the Planning Commission and approved the two-year review of the approved Special Use Permit [U004394(3)] for the billboard at 3920 West Charleston Boulevard.
11/05/03	The City Council reviewed an appeal of the denial of the Planning Commission and approved the one-year review (RQR-2861) of the approved Special Use Permit [U004394(3)] for the billboard at 3920 West Charleston Boulevard. Planning Commission and staff recommended denial on September 25, 2003.
03/02/05	The City Council approved a Required One Year Review (RQR-5168) of an approved Special Use Permit, which allowed a 55foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 3920 West Charleston Boulevard. The Planning Commission and staff recommended denial on 10/21/04.
06/28/07	<a href="#">The Planning Commission voted 5-2/se/bg to recommend DENIAL (PC Agenda Item #8/ng).</a>

<b>Related Building Permits/Business Licenses</b>	
06/02/94	A building permit (#94334347) was issued for the subject sign. The permit expired on 04/08/95), a final inspection was not conducted.
07/18/94	A building permit (#94340573) was issued for the electrical work on the subject sign. A final inspection was conducted on the electrical work on 10/04/94.

<b>Pre-Application Meeting</b>
A pre-application meeting is not required, nor was one held.
<b>Neighborhood Meeting</b>
A neighborhood meeting is not required, nor was one held.

<b>Field Check</b>	
06/14/07	A field inspection was conducted and photographs were taken. It was noted that the supporting structure would require re-painting.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	3.06

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices  Park	SC (Service Commercial)  PR/OS (Parks/Recreation/Open Space)	C-1 (Limited Commercial)  C-V (Civic)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Offices	PF (Public Facilities)	C-V (Civic)
West	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (175-foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>	<b>Compliance</b>
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Not located within the Exclusionary Zone	Y
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-1 (Limited Commercial) zoning district	Y
Area	No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	672 SF	Y
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 50 feet from grade	N

Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to another Off Premise Sign	480 feet to another Off Premise Sign	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	810 feet from R zoned property to the west.	Y
Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property	Y

**ANALYSIS**

This is the sixth review of the subject Off-Premise Advertising (Billboard) Sign. This review is of the sign in the southwest corner of the property. The applicant applied for a building permit, which was issued. A final inspection was not conducted. Therefore; the Off-Premise Advertising (Billboard) Sign does not meet Code requirements. It is also noted that there is another Off-Premise Advertising (Billboard) Sign located on the property. That Off-Premise Advertising (Billboard) Sign faces the Valley View right-of-way. The subject Off-Premise Advertising (Billboard) Sign faces the Charleston right-of-way. Due to the lack of a final inspection on the building permit, denial of this request is recommended.

**FINDINGS**

The subject Off-Premise Advertising (Billboard) Sign is not considered appropriate. The sign does not have building permits thus failing to comply with Code requirements. Denial of this request is recommended.

**PLANNING COMMISSION ACTION**

There was one speaker in opposition at the public hearing, commenting on proximity to park and school.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 11

**NOTICES MAILED** 72 by City Clerk

**APPROVALS** 0

**PROTESTS** 0