



## AGENDA MEMO

CITY COUNCIL MEETING DATE:        SEPTEMBER 5, 2007  
DEPARTMENT:    PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: RQR-21346 - APPLICANT/OWNER: CLEAR CHANNEL  
OUTDOOR

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

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. This Variance 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 Variance 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**

This is a request for a Required Review of an approved Variance [V-0025-88], which allowed a 14 foot x 48 foot Off-Premise Advertising (Billboard) Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue.

This is the fifth 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, fails to meet the required separation distance from residential property, and the supporting structure needs to be repainted. Denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/15/88	The City Council approved a Variance (V-0025-88) which allowed a 80-foot high, 14-foot x 48foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended denial on 05/26/88.
07/21/93	The City Council approved a Required Review [V-0025-88(1)] of an approved Variance, which allowed a 80-foot high, 14-foot x 48foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 06/22/93.
07/27/98	The City Council approved a Required Review [V-0025-88(2)] of an approved Variance, which allowed a 80-foot high, 14-foot x 48foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 07/07/98.
04/16/03	The City Council approved a Required Review (RQR-1706) of an approved Variance [V-0025-88(2)], which allowed a 65-foot high, 14-foot by 48foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a two-year review. The Planning Commission recommended approval on 02/27/03. Staff recommendation was for denial.
06/01/05	The City Council approved a request for a Required Review (RQR-6151) of an approved Required Review (RQR-1706), which allowed a 14 foot x 48 foot Off-Premise Advertising (Billboard) Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue. The Planning Commission and staff recommended approval.

08/09/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #26/ng).
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**Related Building Permits/Business Licenses**

There are no permits or licenses related to this request.

**Pre-Application Meeting**

A pre-application meeting is not required, nor was one held.

**Neighborhood Meeting**

A neighborhood meeting is not required, nor was one held.

**Field Check**

05/30/07	A site inspection was conducted and photographs were taken. It was noted that the supporting structure was in need of repainting. It was also noted that one of the sign faces includes the rotating billboards that display multiple messages. The rotating message was not properly permitted.
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**Details of Application Request**

**Site Area**

Net Acres	0.89
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
North	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
South	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
East	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Right of Way	I-15 Right of Way	I-15 Right of Way

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<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 M (Industrial) 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 80 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 750 feet to another Off Premise Sign	795 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.	280 feet from R zoned property to the east.	N

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
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\*The 80-foot height was approved through Variance (V-0025-88).

**ANALYSIS**

This is the fifth review of the subject Off-Premise Advertising (Billboard) Sign. The Off-Premise Advertising (Billboard) Sign does not have any building permits. The Off-Premise Advertising (Billboard) Sign fails to meet the distance separation requirements from residential property. The Off-Premise Advertising (Billboard) Sign is 280 feet from residential property where 300 feet is the minimum required. Upon a site inspection it was noted that the supporting structure for the sign shall require repainting. Additionally, it was noted that one of the faces utilizes a rotating message. This allows the Off-Premise Advertising (Billboard) Sign to display multiple messages on a rotating basis. This rotating message system does not have the proper permits. Due to the failure to comply with several requirements, 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, fails to meet the required separation distance from residential property, and the supporting structure needs to be repainted. Denial of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13**

**ASSEMBLY DISTRICT 9**

**SENATE DISTRICT 10**

**NOTICES MAILED 144 by City Clerk**

**APPROVALS 0**

**PROTESTS 3**