

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-29722 - APPLICANT/OWNER: CONSTANTINO NOVAL NEVADA,LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0025-98), and Variance [V-0020-91(2)], if approved.
2. The owner of this Off-Premise Advertising (Billboard) Sign, shall within thirty (30) days obtain either a construction inspection and approval by the City or structure certification, as those items are described in Title 19.14.100(D), paragraph six, subsection a or b. Failure to secure the required final inspection may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. This Special Use Permit shall be reviewed in three (3) 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.
4. 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.
5. Only one advertising sign is permitted per sign face.
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit and 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a five-year required review of an approved Special Use Permit (U-0025-98), which allowed a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 73 South Martin Luther King Boulevard.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 06/08/98 | The City Council approved a request for a Special Use Permit (U-0025-98) for a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 73 South Martin Luther King Boulevard. The Planning Commission recommended approval on 05/14/98. |
| 08/02/00 | The City Council approved a Required Two-Year Review [U-0025-98(1)] of an approved Special Use Permit to allow a 672 square-foot, 48-foot high Off-Premise Advertising (Billboard) Sign at 73 South Martin Luther King Boulevard. The Planning Commission did not hear this item. |
| 09/18/02 | The City Council approved a Required Two-Year Review [U-0025-98(2)] of an approved Special Use Permit to allow a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 73 South Martin Luther King Boulevard. The Planning Commission recommended approval on 08/22/02. |
| 06/20/01 | The City Council approved a request for a Required Five-Year Review [V-0020-91(2)], which allowed the relocation of two Off-Premise Advertising (Billboard) Signs with a 550 feet separation between signs where 750 feet is required. The Planning Commission recommended approval on 05/10/01. |
| 11/16/06 | The Planning Commission voted to deny a Required Four-Year Review of an approved Special Use Permit (U-0025-98), which allowed a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 73 South Martin Luther King Boulevard. On 01/03/07, the City Council tables the request to Appeal the Planning Commissions decision due to the Billboard Moratorium. |
| <i>Related Building Permits/Business Licenses</i> | |
| 07/30/98 | A building permit (#98015524) was issued for a Billboard Sign with electrical at 73 South Martin Luther King Boulevard. The permit was never finalized. |
| 01/4/01 | A building permit (#1000177) was issued for electrical service to a Billboard Sign located at 73 South Martin Luther King Boulevard. The permit was never finalized. |
| No business licenses have been issued for 73 South Martin Luther King Boulevard. | |
| <i>Pre-Application Meeting</i> | |
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A pre-application meeting is not required for this type of application.

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| <i>Neighborhood Meeting</i> | |
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| A neighborhood meeting is not required, nor was one held. | |

| <i>Field Check</i> | |
|---------------------------|--|
| 09/16/08 | A site inspection of the billboard was conducted with both sides of the sign in good shape. There was no graffiti or trash on or surrounding the subject area. |

| <i>Details of Application Request</i> | |
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| <i>Site Area</i> | |
| Gross Acres | 5.64 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|--------------------------------|--------------------------------|
| Subject Property | Retail Establishments | LI/R (Light Industry/Research) | M (Industrial) |
| North | I-15 | ROW (Right-of-Way) | ROW (Right-of-Way) |
| | Retail Establishments | LI/R (Light Industry/Research) | M (Industrial) |
| South | Retail Establishments | C (Commercial) | M (Industrial) |
| East | I-15 | ROW (Right-of-Way) | ROW (Right-of-Way) |
| West | Apartments | MXU (Mixed Use) | R-5 (High Density Residential) |

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

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DEVELOPMENT STANDARDS

| Standards | Code Requirement | Provided | Compliance |
|------------------------------|---|--|-------------------|
| Location | No Off-Premise Advertising Sign (Billboard) may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas. | Sign is not in right of-way | Y |
| Zoning | Off-Premise (Billboard) Signs are permitted in the C-1, C-2, C-V, C-M, and M Zoning Districts only. | Sign is in 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. | Sign is 672 square feet | Y |
| Height | No higher than 40 feet from grade at the point of construction: may be raised to maximum of 55 feet with approval of City Council if significantly obscured from view of travel lanes. | Sign is 74 feet in height | Y* |
| Screening | All structural elements of an Off-Premise (Billboard) Sign to which the display panels are attached shall be screened from view. | Sign is adequately screened from public view | Y |
| Off-Premise Sign (Billboard) | At least 750 feet to another Off-Premise Sign along US-95. | There is a billboard approximately 550 feet to the northeast of the subject site | Y** |
| Off-Premise Sign (Billboard) | At least 300 feet to the nearest property line of a lot in any R zoned district. | Sign is approximately 210 feet from property zoned residential | N*** |

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| 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. | Sign is permanently secured to the ground. | Y |
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* The City Council approved a Special Use Permit (U-0025-98) to allow a 74-foot tall Off-Premise Advertising (Billboard) Sign.

** The City Council approved a Variance [V-0020-91(2)] to allow the relocation of two Off-Premise Advertising (Billboard) Signs with a 550 feet separation between signs where 750 feet is required.

*** Sign is located approximately 210 feet from property designated R,, however, the immediate area surrounding the sign has not significantly changed enough since the last review to warrant the removal of the Off-Premise Advertising (Billboard) Sign. Therefore, the sign remains appropriate for this area.

ANALYSIS

This is the fifth required review since the initial approval of the Special Use Permit (U-0025-98) for a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign, located at 73 South Martin Luther King Boulevard. There have been no significant changes in the surrounding land uses since the installation of the sign. A research of the building permit activity found no record of a final inspection for the sign. Upon inspection of the subject site on 9/16/08, staff found both sides of the sign in good condition. Additionally, the sign and associated equipment were free of graffiti, and no trash surrounded the immediate area of the subject site.

FINDINGS

This sign is located within the M (Industrial) zoning district and is not located within the Off-Premise Sign Exclusionary Zone. The sign is in good condition and is in general compliance with the location and development provisions listed in Title 19.14.00. Though the sign is located approximately 210 feet from property designated for residential use, the area surrounding the site has not changed significantly since the last review to warrant removal of the sign. Additionally, the Billboard Sign lacks a final inspection of the building permit for installation; therefore, denial of this request is recommended. If approved, conditions of approval have been added to bring the Off-premise Advertising (Billboard) Sign into compliance.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 157

APPROVALS 0

PROTESTS 4