

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-29832 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: MCELHOSE TRUST**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the Conditions of Approval for Special Use Permit (U-0006-90) and Required Review (RQR-13791), if approved.
2. The owner of this Off-Premise Advertising (Billboard) Sign, shall, within thirty 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 five 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 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 required two-year review of an approved Special Use Permit (U-0006-90), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1535 North Eastern Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/21/90	The City Council approved a request for a Special Use Permit (U-0006-90) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The Board of Zoning Adjustments recommended approval on 02/22/90.
04/19/95	The City Council approved a Five-Year Required Review [U-0006-90(1)] on an approved Special Use Permit (U-0006-90) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The Board of Zoning Adjustments recommended approval on 03/28/95.
04/28/97	The City Council approved a Two-Year Required Review [U-0006-90 (2)] on an approved Special Use Permit (U-0006-90) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The Board of Zoning Adjustments recommended approval on 04/01/97.
05/05/02	The City Council approved a Five-Year Required Review [U-0006-90 (3)] on an approved Special Use Permit (U-0006-90) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The Planning Commission recommended approval on 04/02/02.
07/07/04	The City Council approved a request for an Appeal (RQR-4268) of an approved Special Use Permit (U-0006-90) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The Planning Commission denied the request on 05/27/04.
11/01/06	The City Council approved a request for a Two-Year Required Review (RQR-13791) of an approved Special Use Permit (U-0006-90) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The Planning Commission recommended approval on 07/27/06.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits pertaining to an Off-Premise Advertising (Billboard) Sign for the subject site.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application.	

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<i>Neighborhood Meeting</i>

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

<i>Field Check</i>

09/16/08	A site inspection was conducted, revealing one side of the billboard sign having an abundance of bird droppings splattered across the advertising display.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Gross Acres	0.58
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church; Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
West	Single-Family Dwellings	M (Medium Density Residential)	R-3 (Medium 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	N/A
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 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.	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.	The sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise (Billboard) Sign to which the display panels are attached shall be screened from view.	The Off-Premise Sign is adequately screened from public view	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95	Sign is not located near US-95	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	Sign is located 240 feet from property designated R	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.	The billboard is secured to the ground on C-1 zoned property.	Y
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* Sign is located 240 feet from property designated R, however, the immediate area surrounding the sign has not significantly changed enough since the last two-year review to warrant the removal of the Off-Premise Advertising (Billboard) Sign. Therefore, the Off-Premise Sign remains appropriate for this area.

ANALYSIS

This is the sixth required review since the initial approval of Special Use Permit (U-0006-90) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign, located at 1535 North Eastern Avenue. There have been no significant changes in the surrounding land use since the installation of the sign. A research of the building permit activity found no record of a building permit being issued and/or finalized for the sign. Upon a site inspection on 9/16/08, staff found the subject sign in good condition on one side, while the other side had excessive bird droppings splattered down the advertisement.

FINDINGS

This sign is located within the C-1 (Limited Commercial) zoning district and is not located within the Off-Premise Sign Exclusionary Zone. Though the sign is located within 240 feet from property designated for residential use, the area surrounding the subject site has not changed enough since the last review to warrant removal of the Off-Premise Advertising (Billboard) Sign. The sign does lack any history of acquiring a building permit or final inspection; therefore, staff is recommending denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 12

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NOTICES MAILED 206

APPROVALS 0

PROTESTS 0