

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RQR-29711 - APPLICANT/OWNER: TJP
NEVADA, LIMITED PARTNERSHIP

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the Off-Premise Sign (Billboard) to 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 Sign (Billboard) is removed.
2. The Off-Premise Sign (Billboard) 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 Sign (Billboard).
3. 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 sign.
4. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Sign (Billboard) shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
5. Only one advertising sign is permitted per sign face.
6. The supporting structure shall be repainted to remove the graffiti within 60 days of this review, if approved.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a required two year review of an approved Special Use Permit (U-0034-01) for a 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) at 2101 South Decatur Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
1979	The property was designated C-2 (General Commercial)
03/28/95	The Board of Zoning Adjustment approved a Variance (V-0020-95) to permit 169 parking spaces where 287 were required. The parking requirement for this 6,650 square-foot area was calculated as retail/commercial space. The parking for the overall site was calculated prior to the adoption of the revised Zoning Code in 1997, therefore it was classified as a parking impaired development. Any new uses would have been required to provide only the additional parking required under the new Code.
08/07/02	The City Council approved a Variance (V-0035-02) to allow 26 parking spaces where 42 spaces are required in conjunction with a proposed market and restaurant, located at 2101 South Decatur Boulevard.
03/05/03	The City Council approved the request for a Special Use Permit (U-0034-01) for a proposed 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) at 2101 South Decatur Boulevard after rescinding the 09/19/01 denial by Council and rehearing this item. The Planning Commission voted to deny this request on 03/22/01.
10/23/08	The Planning Commission voted to hold in Abeyance a request for a Required Two Year Review (RQR-29711) of an approved Special Use Permit (U-0034-01), since there was no correspondence by the applicant agreeing to the conditions, nor was the applicant present.
<i>Related Building Permits/Business Licenses</i>	
03/22/04	Sign permit #04-006376 issued against plan check L-1421-04 for the installation of a 40-foot tall Billboard at 2101 South Decatur Boulevard. A 240 Final Electrical Inspection was completed on 04/06/04.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not require for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not require for this type of application, nor was one held.	

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Field Check	
09/12/08	A field check was performed by staff with the following observations: <ul style="list-style-type: none"> • The 40-foot tall billboard is located on commercial property and overhangs a portion of the nearby restaurant. • There are visible signs of graffiti on the signs structural support which will require repainting. • There are no visible signs of a bird nuisance. • There are no embellishments, animated parts, or light displays on the existing sign.

Details of Application Request	
Site Area	
Gross Acres	1.70 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
North	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)
South	Bank	SC (Service Commercial)	C-2 (General Commercial)/ C-1 (Limited Commercial)
East	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)
West	Multi-Family Residential	M (Medium Density Residential)	R-4 (High Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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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 and is not located within the Off-Premise Sign Exclusionary Zone	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 the C-2 (General 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 with no embellishments	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 40 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.	The billboard is adequately screened.	Y
Off-Premise Sign (Billboard)	At least 300 feet to another Off-Premise Sign.	The closest billboard is 415 feet to the northeast	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	The sign is not located within 560 feet of property zoned for residential use.	Y

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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 on	Y
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ANALYSIS

This is the first review of a Special Use Permit (U-0034-01) for a 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) at 2101 South Decatur Boulevard since its approval on 03/05/03. This sign is located in the northeast corner of the parcel in front of the existing building and slightly overhangs the restaurant. The sign is located approximately 560 feet from property zoned for residential use to the west. Since the approval of the Special Use Permit there has not been a change in land use in the surrounding area. A field inspection completed by staff on 09/12/08 found the sign to be in generally good condition with some minor graffiti visible at the base that will require repainting.

FINDINGS

The billboard is in generally good condition but will require some minor repainting to cover up some existing graffiti at the base of the sign. Staff recommends approval of this review, subject to another review of Special Use Permit U-0034-01 to be completed in five (5) years.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 256

APPROVALS 0

PROTESTS 2