

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-30332 - APPLICANT/OWNER: MILFORD MARK AND LORILYN TRUST

**** CONDITIONS ****

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

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-4169), if approved.
2. Payment of the required fees totaling \$830.00 (\$300.00 application fee, \$500.00 notification fee, and \$30 recordation fee) within 10 days of City Council.
3. Bird Deterrent devices shall be installed on the sign within 30 days of final approval by the City Council.
4. 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.
5. 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.
6. 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.
7. 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.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

RQR-30332 - Staff Report Page One
November 20, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a required two-year review of an approved Special Use Permit (SUP-4169) for a 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) at 1615 North Decatur Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/07/04	The City Council approved a request for a Special Use Permit (SUP-4169) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 1615 North Decatur Boulevard. The Planning Commission recommended denial on 05/13/04.
07/27/06	The Planning Commission approved a Required Two-Year Review (RQR-14371) of an approved Special Use Permit (SUP-4169) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 1615 North Decatur Boulevard.
06/23/08	A Code Enforcement case (66976) was processed for the building overhang on the gas pumps unsafe (at a 45 degree angle) at 1615 North Decatur Boulevard. The case was closed on 07/11/08.
<i>Related Building Permits/Business Licenses</i>	
12/07/04	A building permit (4021719) was issued and later renewed on 0/06/05 for a billboard sign at 1615 North Decatur Boulevard. The permit was finalized on 10/26/05.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
10/17/08	Staff conducted a field check of the site with the following observations: <ul style="list-style-type: none"> • One side of the sign had an abundance of bird droppings splattered down the advertising display • The sign and its supporting structure are free of graffiti • There are no embellishments, moving parts, or electronic devices located on the sign

RQR-30332 - Staff Report Page Two
November 20, 2008 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage, Major	SC (Service Commercial)	C-1 (Limited Commercial)
North	Tavern	GC (General Commercial)	C-2 (General Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
West	Mini Storage and Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)

<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 (105 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

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within the public right-of-way	Sign is not in public right-of-way	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Sign is located in the C-1 (Limited Commercial) zoning district	Y

RQR-30332 - Staff Report Page Three
November 20, 2008 - Planning Commission Meeting

Area	No off-premise sign 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 in size. The sign does not have an embellishment.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structure elements of the sign are adequately screened from public view	Y
Off-Premise Sign (Billboard)	The sign and all other off-premise signs not oriented towards the same highway shall be no closer than 300 feet in any direction to any other off-premise sign.	Sign is approximately 300 feet northeast of another Off-Premise Sign (billboard)	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	Sign is 300 feet from property designated for residential use	Y
Other	All Off-Premise Signs (Billboards) shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on C-1 (Limited Commercial) zoned property.	Y

ANALYSIS

This is the second required review since the initial approval of Special Use Permit (SUP-4169) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) located at 1615 North Decatur Boulevard. There have been no significant changes in the surrounding land use since the installation of the sign. A research of the building permit activity for the Off-Premise Sign revealed that the permit was finalized on 10/26/05. A visual inspection of the site conducted on 10/17/08, found the structure in good condition, but one sign face had bird dropping splattered down the advertising display.

RQR-30332 - Staff Report Page Four
November 20, 2008 - Planning Commission Meeting

FINDINGS

The sign is located within the C-1 (Limited Commercial) zoning district on property used for an Auto Repair Garage, Major. The surrounding area has not experienced significant changes in land uses since the approval of the Special Use Permit (SUP-4169). Pigeon abatement measures on the sign need to be provided to remedy the existing bird nuisance. Additionally, the applicant needs to pay the appropriate fees for this required review. Conditions of approval have been added to bring the Off-Premise Sign (Billboard) into compliance; therefore, staff recommends approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 63

APPROVALS 0

PROTESTS 0