

AGENDA MEMO**PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-30484 - APPLICANT/OWNER: CRAIG 95 LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-4694), if approved.
2. This Special Use Permit shall be placed on an agenda closest to 12/01/13 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.
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 (Billboard) Sign.
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (SUP-4694) 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.
5. Only one advertising sign is permitted per sign face.
6. 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 is a Required Review of an approved Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 7075 West Craig Road.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/12/98	The City Council accepted the Withdrawal Without Prejudice a request for Rezoning (Z-0115-97) on property located on the southeast corner of Craig Road and Tenaya Way from U (Undeveloped) [SC (Service Commercial) General Plan designation] to PD (Planned Development) for a proposed Retail Center and Office development. The Planning Commission recommended denial on 12/04/97.
12/26/00	The Planning Commission approved a request for a Final Map (FM-0073-00) for two lots on 16.31 acres on the southeast corner of the intersection of Craig Road and Tenaya Way.
11/20/03	The Planning Commission accepted the applicants request to Withdraw Without Prejudice a request for Rezoning (Z-0074-01) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 3.53 acres at 7075 West Craig Road.
01/21/04	The City Council approved a request for a Rezoning (ZON-3197) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 3.53 acres adjacent to the southwest corner Craig Road and US-95. The Planning Commission recommended approval on 12/18/03.
04/09/04	A Code Enforcement case (12442) was processed for a home having three trailers in the backyard with three separation families living there at 7075 West Craig Road. The case was closed on 05/19/05.
11/17/04	The City Council approved a request for a Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 7075 West Craig Road. The Planning Commission recommended approval on 09/23/04.
10/19/05	A Code Enforcement case (35472) was processed for a vacant dangerous building at 7075 West Craig Road. The case was closed on 03/23/06.
11/24/05	A Temporary Commercial Permit (TCP-10580) was issued for a Christmas Tree Lot at 7075 West Craig Road. The permit was valid until 12/23/05.
02/08/06	A Temporary Commercial Permit (TCP-11627) was issued for Valentines Day Flower Sales at 7075 West Craig Road. The permit was valid until 02/14/06.

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10/14/06	A Temporary Commercial Permit (TCP-17482) was issued for a Halloween Pumpkin Patch at 7075 West Craig Road. The permit was valid until 10/31/06.
11/24/06	A Temporary Sign Permit (TSP-18379) was issued for a Christmas Tree Sales Sign at 7075 West Craig Road. The permit was valid until 12/24/06.
11/25/06	A Temporary Commercial Permit (TCP-18380) was issued for Christmas Tree Sales at 7075 West Craig Road. The permit was valid until 12/24/06.
03/22/07	The Planning Commission accepted the applicants request to Withdraw Without Prejudice a request for a Variance (VAR-19646) to allow 150 Parking Spaces where 152 required on 3.53 acres on the south side of Craig Road, west of US-95.
08/01/07	The City Council approved a request for a Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of US-95. The Planning Commission recommended approval on 04/12/07.
08/01/07	The City Council approved a request for a Site Development Plan Review (SDR-19643) for a 37,925 square-foot Commercial Center and Waivers of perimeter landscape buffer standard to allow no landscaping along the south and east property lines where an 8-foot wide buffer is required, and a 2-foot wide buffer along a portion of the north property line where an 8-foot wide buffer is required on 3.53 acres on the south side of Craig Road, west of US-95. The Planning Commission recommended approval on 04/12/07.
11/24/07	A Temporary Sign Permit (TSP-25620) was issued for a Christmas Tree Sales Sign at 7075 west Craig Road. The permit was valid until 12/23/07.
11/24/07	A Temporary Commercial Permit (TCP-25621) was issued for Christmas Tree sales at 7075 West Craig Road. The permit was valid until 12/23/07.
02/28/08	The Planning Commission approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-25484) for a proposed 41,097 square-foot Shopping Center on 3.53 acres adjacent to the south side of Craig Road, west of US-95.
10/01/08	The City Council approved a request for a Special Use Permit (SUP-29027) for a proposed Pawn Shop with a Waiver to allow a zero-foot distance separation to another Financial Institution, Specified where 1,000 feet is required at he southwest corner of US-95 and Craig Road. The Planning Commission recommended approval on 08/28/08
10/17/08	A Temporary Commercial Permit (TCP-30920) was issued for a Halloween Pumpkin Patch at 7075 West Craig Road. The permit was valid until 10/31/08.
10/20/08	A Code Enforcement case (70784) was processed for a carnival setup at 7075 West Craig Road without permits. The case was closed on 10/22/08.

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<i>Related Building Permits/Business Licenses</i>	
07/18/05	A building permit (05004899) was issued for the installation of a billboard sign at 7075 West Craig Road. The permit was finalized on 08/01/06.
10/27/08	A business license (C03-00075) was issued for a carnival at 7075 West Craig Road. The license is valid until 11/02/08.
10/17/08	A business license (T24-95132) was issued for a Halloween Pumpkin Patch at 7075 West Craig Road. The license is valid until 10/31/08.
<i>Pre-Application Meeting</i>	
A pre-application meeting is 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>	
10/29/08	Staff conducted a field check of the site with the following observations: <ul style="list-style-type: none"> • All signs and supporting structure appeared in good condition, were free of graffiti, and did not require any repainting or bird deterrents. • There were no embellishments, moving parts, or electronic displays located on the signs. • There were canvas bags and trash bags that appeared to be from the carnival stacked at the base of the sign.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Land-Proposed Commercial Center	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan designation] with a Resolution of Intent to C-1 (Limited Commercial)
North	ROW (Right-of-Way)	ROW (Right-of-Way)	ROW (Right-of-Way)
	Vacant Land	SC (Service Commercial)	C-1 (limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	ROW (Right-of-Way)	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

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<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

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 located in public right-of-way nor is it in the Off-Premise Sign Exclusionary Zone, but is an exempted area.	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 located in a 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.	Surface area of each sign face does not exceed 672 square feet; the signs do not have 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.	The sign is 40 feet tall	Y

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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.	The sign is more than 750 feet to another sign along US-95	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 more than at least 300 feet to the nearest property line of a lot in any R zoned district.	Y
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 and is not located on property used for residential purposes	Y

ANALYSIS

This is the first required review since the initial approval of the Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-premise Sign (Billboard) at 7075 West Craig Road. A site inspection by staff revealed that the sign and structure appeared in good condition, but there were bags of trash surrounding the base of the structure. A research of building permit activity found that the billboard was constructed under sign permit #05004899, and received final inspection on 08/01/06 under the address of 7075 West Craig Road.

Since the approval of the Special Use Permit (SUP-4694), there have been recent approvals for entitlements (SDR-19643; SDR-25484; SUP-29027) for a proposed 41,097 square-foot Commercial Shopping Center, including a Pawn Shop. The Off-Premise Sign (Billboard) is depicted on the site plan for the Site Development Plan Review (SDR-25484).

FINDINGS

The sign is located in a U (Undeveloped) [SC (Service Commercial) General Plan designation] with a Resolution of Intent to C-1 (Limited Commercial), and is not within the Off-Premise Sign Exclusionary Zone, but is within the Exempt Zone. The property owner has been notified to address the trash bags placed at the base of the sign, which appeared to be from the previously approved carnival on the subject property.

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Since the Site Development Plan Review (SDR-25484) incorporated the sign into their plans, staff does not see an adverse impact regarding the continued use of this sign; therefore, staff recommends approval of this request, subject to a five-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 196

APPROVALS 0

PROTESTS 0