



## AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 19, 2008  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: RQR-29809 - APPLICANT: CLEAR CHANNEL OUTDOOR -  
OWNER: ECT HOLDING, LLC

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### \*\* CONDITIONS \*\*

Staff recommends DENIAL. The Planning Commission (6-1/bg vote) recommends APPROVAL, subject to:

#### Planning and Development

1. Conformance to the conditions for Variance (V-0068-90), if approved.
2. The owner of this Off-Premise Advertising (Billboard) Sign shall, within thirty (30) days, obtain either construction inspection and approval by the City, or structural 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 This Variance shall be reviewed in three (3) years unless superseded by subsequent action at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed.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 property owner shall keep the property properly maintained and graffiti-free 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 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Required Two-Year Review of an approved Variance (V-0068-90), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing Off-Premise Advertising (Billboard) Sign where 300 feet is the minimum distance separation required at 1208 East Charleston Boulevard.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
08/01/90	The City Council approved a Variance (V-0068-90) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing billboard where 300 feet is the minimum distance separation required at 1200 East Charleston Boulevard. The Board of Zoning Adjustment recommended approval on 07/05/90.
09/20/95	The City Council approved a Required Five-Year Review [V-0068-90(1)] on an approved Variance (V-0068-90), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing billboard where 300 feet is the minimum distance separation required at 1200 East Charleston Boulevard.
03/24/97	The City Council approved a request for an Appeal; thereby, approved a Special Use Permit (U-0001-97) to allow a 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign to replace an existing 12-foot by 24-foot sign. The Board of Zoning Adjustment recommended denial on 02/25/97.
09/28/98	The City Council denied an Appeal, thereby denying the Reinstatement and Extension of Time [U-0001-97(1)] on a Special Use Permit (U-0001-97), which would allow a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1200 East Charleston Boulevard. The Planning Commission recommended denial on 08/27/98.
11/01/06	The City Council approved a request for a Required Five-Year Review (RQR-15054) of an approved Variance (V-0068-90), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing billboard, where 300 feet is the minimum distance separation required at 1200 East Charleston Boulevard. The Planning Commission recommended approval on 08/24/06.
10/23/08	The Planning Commission voted 6-1/bg to recommend APPROVAL (PC Agenda Item #20/ds).

<b>Related Building Permits/Business Licenses</b>	
08/07/90	A building permit (#90077819) was issued for an Off-Premise Advertising (Billboard) Sign at 1200 East Charleston Boulevard. The permit was never finalized.
06/05/97	A building permit (#97011529) was issued for an Off-Premise Advertising (Billboard) Sign at 1208 East Charleston Boulevard. The permit was never finalized.
<b>Pre-Application Meeting</b>	
A pre-application meeting is not required for this type of application.	
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required, nor was one held.	

<b>Field Check</b>	
09/16/08	A field check was conducted of the subject site. One side of the sign has the advertisement shredded and peeling, leaving several different displays showing, while the other side was in good condition. Additionally, at the base of the pole was a large accumulation of trash.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	2.62

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Theater(vacant)	C (Commercial)	C-2 (General Commercial)
North	Retail Shopping Center	C (Commercial)	C-2 (General Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	General Retail Establishments	C (Commercial)	C-2 (General Commercial)
West	General Retail Establishments	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
H (Historic Designation)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>	<b>Compliance</b>
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 C-2 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 750 feet to another Off-Premise Sign along US-95	The sign is not located 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 approximately 280 feet northwest of property zoned for residential use	N**
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 C-2 (General Commercial) zoned property	Y

\* The City Council approved a Variance (V-0068-90) to allow the Off-Premise Advertising (Billboard) Sign to be located 290 feet from an existing billboard where 300 feet is the minimum distance separation required. Currently, there are no other signs within 300 feet of the existing sign; therefore, the original Variance is no longer valid.

\*\* Sign is located approximately 280 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 sign; therefore, the Off-Premise Sign remains appropriate for this area.

## ANALYSIS

This is the third review of an approved Variance that allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 1208 East Charleston Boulevard. This sign is located in the northeast corner of the parcel in front of the existing building; no other billboard signs exist on the property; therefore, the original Variance is no longer valid.

The sign is located approximately 280 feet from property zoned for residential use; however, since the initial approval of the variance and subsequent review periods, there has been no tangible redevelopment in the surrounding area. However, there have been recent requests for entitlements (SDR-29440; VAR-29443; and VAR-29494) for a proposed 39,420 square-foot commercial development, including 14,320 square feet of new construction, scheduled to be heard by the Planning Commission on 10/23/08.

During the site visit, staff observed one side of the billboard advertisement shredded and peeling, along with an accumulation of trash surrounding the base of the structure. Additionally, research of building permit activity found no record of a final inspection for the Off-Premise Sign (Billboard).

## **FINDINGS**

Although the entitlements for the proposed commercial development have not been approved, staff finds that the continuation of this Off-Premise Sign (Billboard) at the location is not encouraged over the long term, as it is not conducive to the redevelopment and revitalization proposed for the site. If approved, staff recommends a review of the Variance (V-0068-90) in three years unless superseded by subsequent action.

In addition, according to a review of City records, a final inspection was not performed on the building permit issued for the Off-Premise Sign (Billboard), nor is there a record of a third party Special Inspection Report being completed and filed for this sign. Therefore, staff is recommending denial of this request.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 12

**SENATE DISTRICT** 10

**NOTICES MAILED** 318 by City Clerk

**APPROVALS** 1

**PROTESTS** 0