



## AGENDA MEMO

**CITY COUNCIL MEETING DATE: DECEMBER 17, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-30321 - APPLICANT: CLEAR CHANNEL OUTDOOR -**  
**OWNER: KENNETH A. AND DONLEE SIMKINS**

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

Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Special Use Permit (U-0171-89), if approved.
2. This Special Use Permit shall be reviewed in three (3) years at which time the City Council may require the Off-Premise Sign (Billboard) 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.
3. The owner of this Off-Premise Sign (Billboard) shall within thirty (30) days obtain either a 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 Sign (Billboard).
4. 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 Sign (Billboard).
5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0171-89) 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This application is in response to a required two-year review of an approved Special Use Permit (U-0171-89) for a 40-foot tall, 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/20/89	The City Council approved a request for a Special Use Permit (U-0171-89) to allow a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Board of Zoning Adjustment recommended approval on 11/21/89.
01/18/95	The City Council approved a Required Five Year Review [U-0171-89(1)] on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Planning Commission recommended approval on 12/27/94.
04/05/00	The City Council approved a request for an Appeal of a Required Five Year Review [U-0171-89(2)] on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Board of Zoning Adjustment recommended denial on 02/10/00.
06/05/02	The City Council approved a Required Two Year Review [U-0171-89(3)] on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Planning Commission recommended approval on 04/25/02.
07/07/04	The City Council approved a Required Two Year Review (RQR-4271) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Planning Commission recommended approval on 05/27/04.
11/16/05	The City Council approved a Required One Year Review (RQR-8821) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Planning Commission recommended approval on 10/20/05.
06/21/06	The City Council approved a Required Six Month Review (RQR-12716) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. The Planning Commission recommended approval on 05/25/06.
11/20/08	<a href="#">The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #36/ds).</a>

<b>Related Building Permits/Business Licenses</b>	
01/25/90	A building permit (90054325) was issued for a billboard sign at 1323 South Main Street. The permit went inactive on 11/18/92 and was never finalized.
05/03/90	A building permit (90066890) was issued for a billboard sign at 1323 South Main Street. The permit went inactive on 11/18/92 and was never finalized.
08/07/07	A business license (G03-02371) was issued for a Major Auto Repair Garage at 1323 South Main Street. The license is still active.
<b>Pre-Application Meeting</b>	
A pre-application meeting was not required for this type of application, nor was one held.	
<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
10/14/08	Staff conducted a field check of the site with the following observations: <ul style="list-style-type: none"> <li>• There are no embellishments, moving parts, or electronic displays located on the sign.</li> <li>• The sign and supporting structure are free of graffiti with no signs of a bird nuisance. However, one sign face appeared extremely faded.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.42

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Auto Repair Garage, Major	C (Commercial)	C-M (Commercial/Industrial)
North	Building Supplies and Hardware	C (Commercial)	C-M (Commercial/Industrial)
South	Auto Repair Garage, Minor	C (Commercial)	C-M (Commercial/Industrial)
East	Offices	MXU (Mixed Use)	C-1 (Limited Commercial)
	Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
West	Motel	MXU (Mixed Use)	C-M (Commercial/Industrial)
	Retail Establishment	MXU (Mixed Use)	C-M (Commercial/Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		Y
Downtown Centennial Plan	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
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	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>	<i>Code Requirement</i>	<i>Provided</i>	<i>Compliance</i>
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-M (Commercial/Industrial) zoning district	Y
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 288 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 310 feet north 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 150 feet from property designated for residential use (R-4 zoning district)	N
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 seventh required review since the initial approval of the Special Use Permit (U-0171-89) for a 40-foot tall, 12-foot by 24-foot Off-Premise Sign (Billboard) at 1323 South Main Street. Title 19.14.100 requires that all Off-Premise Signs (Billboards) have a minimum distance separation of 300 feet from the nearest property line of a lot in the U (Undeveloped) zoning district or any R zoning district. The subject sign is located approximately 150 feet from property zoned R-4 (High Density Residential).

A visual inspection of the site conducted on 10/14/08 found the overall sign and supporting structure in good condition, except that one of the sign faces appeared extremely faded. Research of building permit activity revealed both permits issued for the construction of the billboard sign never received a final inspection.

## FINDINGS

The sign is located in the C-M (Commercial/Industrial) zoning district, which permits Off-Premise Signs (Billboards) with the approval of a Special Use Permit. The sign lacks any history of a final inspection for the building permit.

Title 19.14.100 allows the removal of the sign if conditions surrounding the location change such that the Off-Premise Sign no longer meets the standards of approval of the Special Use Permit. Since the sign does not meet the residential adjacency setback standards from the property zoned for residential use to the east of the subject site, staff is recommending denial, subject to a three-year review.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 134 by City Clerk

**APPROVALS** 0

**PROTESTS** 0