



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-32902 APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: WILICK INVESTMENTS

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0176-90).
2. This Special Use Permit shall be placed on an agenda closest to January 3, 2012 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 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).
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U0176-90) 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. 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 Review of an approved Special Use Permit (U-0176-90) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3591 East Bonanza Road.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/02/77	The Board of City Commissioners approved a request for Rezoning (Z-0080-77) from R-3 (Medium Density Residential) and R-E (Residence Estates) to R-1 (Single Family Residential) and C-1 (Limited Commercial) of property generally located on the south side of Bonanza Road, between Pecos Road and the Park Bonanza East Townhouses. The Planning Commission recommended approval on 10/13/77.
10/17/90	The City Council approved a request for a Special Use Permit (U-0176-90) to allow one 14-foot by 48-foot Off-Premise Sign (Billboard); and one 12-foot by 24-foot Off-Premise Sign (Billboard) on property located on the south side of Bonanza Road approximately 600 feet east of Pecos Road, and on the east side of Pecos Road approximately 450 feet south of Bonanza Road. The Board of Zoning Adjustment denied the request on 09/27/90.
05/25/95	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0080-77(1)] for a proposed Shopping Center on property located on the south side of Bonanza Road and the east side of Pecos Road.
12/06/95	The City Council approved a request for a Review of Condition [Z-0080-77(2)] of an approved Rezoning (Z-0080-77) to decrease the length of the required median on Pecos Road adjacent to the applicants property and to delete the requirement to construct a sidewalk on Bonanza Road between the applicants property and Reef Drive.
01/03/96	The City Council denied a request for a Required Review [U-0176-90(1)] of an approved Special Use Permit (U-0176-90) for a 12-foot by 24-foot Off-Premise Sign (Billboard) on the east side of Pecos Road, approximately 165 feet south of Bonanza Road; while approving the Required Review for a 14-foot by 48-foot Off-Premise Sign (Billboard) on the south side of Bonanza Road, approximately 255 feet east of Pecos Road. The Board of Zoning Adjustment denied the request on 10/24/95.

11/20/97	The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0080-77(4)] to allow a proposed 2,391 square-foot Restaurant (Taco Bell) with Drive-Through on property located on the southwest corner of Bonanza Road and Reef Drive.
10/18/00	The City Council approved a request for a Petition for a Vacation (VAC-0026-00) of a public ingress/egress easement generally located on the south side of Bonanza Road, approximately 500 feet east of Pecos Road. The Planning Commission recommended approval on 09/14/00.
03/02/05	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan (GPA-5082) from L (Low Density Residential) to SC (Service Commercial) on 1.58 acres and to MLA (Medium Low Attached Density Residential) on 4.4 acres south of Bonanza Road and east of Pecos Road. The Planning Commission recommended approval on 10/07/04.
03/02/05	The City Council approved a request for Rezoning (ZON-5092) from C-1 (Limited Commercial) to R-PD9 (Residential Planned Development- 9 Units per Acre) on 4.40 acres to the east side of Pecos Road approximately 290 feet south of Bonanza Road. The Planning Commission recommended denial on 01/13/05.
03/02/05	The City Council approved a request for a Site Development Plan Review (SDR-5093) for a Supper Club on 1.58 acres south of Bonanza Road approximately 290 feet east of Pecos Road. The Planning Commission recommended approval on 01/13/05.
03/02/05	The City Council approved a request for a Special Use Permit (SUP-5096) for a Supper Club adjacent to the south of Bonanza Road approximately 290 feet east of Pecos Road. The Planning Commission recommended approval on 01/13/05.
03/02/05	The City Council approved a request for a Site Development Plan Review (SDR-5098) for a proposed 41-lot single-family residential development on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road. The Planning Commission recommended denial on 01/13/05.
03/02/05	The City Council approved a request for a Variance (VAR-5099) to allow an R-PD (Residential Planned Development) zoning district on 4.40 acres where 5.0 acres is the minimum required adjacent to the east side of Pecos Road, approximately 290 feet south of Bonanza Road. The Planning Commission recommended approval on 01/13/05
03/02/05	The City Council approved a request for a Petition to Vacate (VAC-5101) a portion of a 10-foot wide public drainage easement and ingress/egress easements generally located south of Bonanza Road, east of Pecos Road. The Planning Commission recommended approval on 10/07/04.

03/02/05	The City Council accepted the applicants request to Withdraw Without Prejudice a request for a Waiver (WVR-5299) to Title 18.12.130 to allow a public street to terminate without a circular cul-de-sac or emergency access gate where one is required for streets terminating other than at an intersection with another public street. The Planning Commission recommended denial on 01/13/05.
03/02/05	The City Council approved a request for a Variance (VAR-5300) to allow zero acres of open space where 0.68 acres is the minimum required in conjunction with a proposed 41-lot single-family residential development on 4.40 acres adjacent to the east side of Pecos Road, approximately 290 feet south of Bonanza Road. The Planning Commission recommended denial on 01/13/05.
07/14/05	The Planning Commission approved a request for a Tentative Map (TMP-6927) for a 41-lot single-family residential subdivision and a waiver to Title 18.08.110 to allow a six-foot retaining wall where four feet is the minimum height allowed on 4.4 acres adjacent to the northeast corner of Diamond Head Drive and Pecos Road.
12/07/05	The City Council approved a request for a Site Development Plan Review (SDR-9421) for a proposed 19,602 square-foot office building and a waiver of the building placement, parking lot foundation, and perimeter landscaping requirements on 1.50 acres along the south side of Bonanza Road, approximately 300 feet east of Pecos Road. The Planning Commission recommended approval on 11/03/05.
12/07/05	The City Council approved a request for a Variance (VAR-9726) to allow a residential adjacency separation of 80 feet where 99 feet is the minimum separation required for a proposed office building on 1.50 acres along the south side of Bonanza Road, approximately 300 feet east of Pecos Road. The Planning Commission recommended approval on 11/03/05.
11/07/07	The City Council approved a request for a Site Development Plan Review (SDR-24023) for a 4,350 square-foot commercial building comprised of 2,450 square feet of retail floor space and a 1,900 square-foot Restaurant on 0.44 acres located on the south side of Bonanza Road, approximately 460 feet east of Pecos Road. The Planning Commission recommended approval on 10/11/07.
04/02/08	The City Council approved a request for a Review of Condition (ROC-26882) to remove Condition Number 15 of an approved Site Development Plan Review (SDR-24023) which required that the developer contribute the remaining traffic signal contribution monies on 0.44 acres located on the south side of Bonanza Road, approximately 420 feet east of Pecos Road.
02/12/09	The Planning Commission approved a request for a Site Development Plan Review (SDR-32837) for a 5,375 square-foot Restaurant with Drive-Through and Retail Building on 2.59 acres generally located on the south side of Bonanza Road, approximately 450 feet east of Pecos Road.

02/26/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/ds).
Related Building Permits/Business Licenses	
10/25/90	A building permit (90086985) was issued for two (2) billboard signs, one on Bonanza Road, and one on Pecos Road. The permit was finalized for both signs (per the building department) on 02/13/91.
06/14/06	A building permit (67522) was issued for rough grading at 3591 E. Bonanza Road. The permit was finalized on 06/14/06.
07/20/06	A building permit (68754) was issued for an engineered wall at 3591 E. Bonanza Road. The permit was finalized on 03/17/07.
12/01/06	A building permit (76979) was issued for pedestrian access gates at 3591 E. Bonanza Road. The permit has not been finalized.
01/19/07	A building permit (79954) was issued for retaining walls in the rear and on the left at 3591 E. Bonanza Road. The permit was finalized on 03/17/07.
05/17/07	A business license (Q13-00181) was issued for a Law Firm at 3591 E. Bonanza Road. The license is still active.
04/10/08	A building permit (111493) was issued for tenant improvements at 3591 E. Bonanza Road, Suite 110. The permit was finalized on 08/19/08.
06/25/08	A building permit (118603) was processed for grading at 3595 E. Bonanza Road. The permit has not yet been issued.
04/24/08	Plans were submitted (Plans Check #27902) for a retail shell building at 3595 E. Bonanza Road.
Pre-Application Meeting	
A pre-application meeting was not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
01/21/09	Staff conducted a field inspection of the site with the following observations: • The signs (one side is double-faced) and supporting structural were in good condition and do not require repainting or bird deterrents. • There are no embellishments, moving parts, or electronic displays located on the sign. • The structural elements of the sign are properly screened from public view.

Details of Application Request	
Site Area	
Gross Acres	1.14

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment with Fuel Pumps	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residences	MLA (Medium Low Density Attached Residential)	R-PD9 (Residential Planned Development- 9 Units per Acre)
East	Restaurant	L (Low Density Residential)	C-1 (Limited Commercial)
West	Retail Establishment and Offices	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	N/A
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 public right-of-way	Sign is not located in public right-of-way	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	The sign is located in a C-1 (Limited Commercial) 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.	The sign is 672 square feet in size; and it 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.	Structural elements of the sign are screened from public viewing.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	Sign is not located along US-95 or I-15 and is more than 300 feet from another Off-Premise Sign.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R or U zoned districts.	The center of the sign is approximately 250 feet from a parcel zoned for residential use.	N
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently attached to the ground and is located in a C-1 (Limited Commercial) zoning district.	Y

ANALYSIS

This is the second Required Review of an approved Special Use Permit (U-0176-90) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at 3591 E. Bonanza Road. A research of building permit activity found a building permit (90086985) was issued for two (2) billboard signs, one on Bonanza Road, and one on Pecos Road. The permit was finalized for both signs on 02/13/91. Staff conducted a field inspection of the subject site and found the sign and supporting structure in good condition with no discrepancies noted. The sign facing west does have a double facing.

The Off-Premise Sign (Billboard) is legally nonconforming since it has approximately 250 feet distance separation from the center of the sign to a parcel zoned for single-family residences directly south of the subject site, where Title 19.14.100 requires a minimum of 300 feet.

FINDINGS

The sign is located within a C-1 (Limited Commercial) zoning district within a commercial subdivision. The Off-Premise Sign (Billboard) is legally nonconforming, as it does not meet Title 19.14.100 requirements regarding the minimum distance separation of 300 feet from residentially zoned property. Staff finds there is no adverse impact regarding the continued use of the sign, as there have been no significant changes in development or land use in the surrounding area; therefore, staff recommends approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 223 by City Clerk

APPROVALS 0

PROTESTS 0