



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-32733 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: SIMON, INC

**** CONDITIONS ****

The Planning Commission (6-0-1/gt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0200-93), if approved.
2. This Special Use Permit shall be placed on an agenda closest to October 20, 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 (U-0200-93) 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-0200-93) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3209 W. Sahara Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/16/72	The Board of City Commissioners approved a request for Rezoning (Z-0055-72) from R-1 (Single-Family Residential) to C-1 (Limited Commercial) on property generally located on the south side of West Sahara Avenue between Valley View Boulevard and Richfield Boulevard. The Planning Commission recommended approval on 08/10/72.
11/13/75	The Planning Commission approved a request for a Plot Plan [Z-0055-72(2)] on behalf of Pizza Hut regarding landscaping for property located on the south side of W. Sahara Avenue between Valley View Boulevard and Richfield Boulevard.
01/25/77	The Planning Commission approved a request for a Plot Plan [Z-0055-72(5)] to allow a Restaurant Facility at the southwest corner of W. Sahara Avenue and Tamrich Drive.
02/21/79	The Board of City Commissioners approved a request for a Plot Plan (Z-0055-72) to allow a Restaurant and Lounge on property generally located on the south side of Sahara Avenue between Richfield Boulevard and Rye Street. The Planning Commission recommended denial on 01/23/79.
10/20/93	The City Council approved a request for a Special Use Permit (U-0200-93) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3209 W. Sahara Avenue. The Board of Zoning Adjustment recommended denial on 09/28/93.
11/23/98	The City Council approved a request for a Required Review [U-0200-93(1)] for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3209 W. Sahara Avenue. The Planning Commission recommended approval on 10/22/98.
01/02/04	A Code Enforcement case (8165) was processed for a refrigerator with doors left in the parking lot at 3209 W. Sahara Avenue. The case was closed on 01/06/04.
01/30/04	A Code Enforcement case (9347) was processed for illegal signage at 3209 W. Sahara Avenue. The case was closed on 02/05/04.
02/26/04	A Code Enforcement case (10520) was processed for parts of a vehicle on the lot at 3209 W. Sahara Avenue. The case was closed on 03/11/04.
03/12/09	The Planning Commission voted 6-0-1/gt to recommend APPROVAL (PC Agenda Item #28/ds).

<i>Related Building Permits/Business Licenses</i>	
The existing building at 3209 W. Sahara Avenue was originally constructed in 1974.	
10/04/06	A building permit (6006259) was issued for tenant improvements for a new business at 3209 W. Sahara Avenue. The permit was finalized on 06/15/07.
05/09/07	A business license (C21-00109) was issued for Check Cashing Services at 3209 W. Sahara Avenue. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
02/05/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays and the sign faces appeared in good condition. • All structural elements have been properly secured. • There is graffiti on the base portion of the sign structure.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.25

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	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 (200 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 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.	Sign is 672 square feet in size and it does not have an embellishment on it.	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 45 feet tall.	N*
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 view.	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 at least 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.	Sign is approximately 80 feet north of property 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 secured to the ground and is located on commercially zoned property.	Y

* The City Council approved a Special Use Permit (U-0200-93) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign with residentially zoned property abutting the subject site to the south.

ANALYSIS

This is the second Required Review of an approved Special Use Permit (U-0200-93) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign at 3209 W. Sahara Avenue. A research of building permit history revealed no record of a permit being issued and/or finalized for the subject billboard. Staff conducted a field check of the subject site and found the signs in good condition, though there was some graffiti on the base portion of the sign structure.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not located within the Off-Premise Sign Exclusionary Zone. The sign is in good condition; the graffiti has been addressed as a condition of approval. Staff finds that 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 since the billboards installation. The sign does lack any history of acquiring a building permit or final inspection; therefore, staff is recommending denial.

PLANNING COMMISSION ACTION

Conditions were amended as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

ASSEMBLY DISTRICT 10

SENATE DISTRICT 3

NOTICES MAILED 204 by City Clerk

APPROVALS 0

PROTESTS 0