



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 15, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-33272 - APPLICANT: CLEAR CHANNEL OUTDOOR -**

**OWNER: JEANNE LEVY FAMILY TRUST AND ALAN LEVY TRUST**

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### **\*\* 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-0107-90).
2. This Special Use Permit shall be placed on an agenda closest to August 15, 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-0107-90) 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-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2921 W. Sahara Avenue.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/20/63                                                           | The Board of City Commissioners denied a request for Rezoning (Z-0147-63) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on property generally located on the southeast corner of Sahara Avenue and Richfield Boulevard. The Planning Commission recommended denial on 11/14/63.                          |
| 10/18/67                                                           | The Board of City Commissioners approved a request for Rezoning (Z-0023-67) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on property generally located on the southeast corner of Richfield Boulevard and Sahara Avenue. The Planning Commission recommended approval on 10/12/67.                      |
| 12/06/78                                                           | The Board of City Commissioners denied a request for a Plot Plan Review (Z-0023-67) to allow a 14-foot by 48-foot Off-Premise Sign (Billboard) where none was shown on the approved plot plan on property located at 2839 W. Sahara Avenue. The Planning Commission recommended denial on 11/09/78.                         |
| 08/15/90                                                           | The City Council approved a request for a Special Use Permit (U-0107-90) for a 14-foot by 48-foot Off-Premise Sign (Billboard) to a height of 45 feet (55 feet was requested) at the southeast corner of Sahara Avenue and Richfield Boulevard. The Board of Zoning Adjustment recommended denial on 07/26/90.              |
| 10/03/95                                                           | The City Council approved a request for a Required Review [U-0107-90(1)] of an approved Special Use Permit (U-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at the southeast corner of Sahara Avenue and Richfield Boulevard. The Board of Zoning Adjustment recommended denial on 08/22/95. |
| 12/06/00                                                           | The City Council approved a request for a Required Review [U-0107-90(2)] of an approved Special Use Permit (U-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2921 W. Sahara Avenue. The Planning Commission recommended approval on 10/26/00.                                              |

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| 02/06/02                                                 | The City Council approved a request for a Required Review [U-0107-90(3)] of an approved Special Use Permit (U-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2921 W. Sahara Avenue. The Planning Commission recommended denial on 12/20/01. |
| 04/16/03                                                 | The City Council approved a request for a Required Review (RQR-1701) of an approved Special Use Permit (U-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2921 W. Sahara Avenue. The Planning Commission recommended denial on 02/27/03.     |
| 05/12/04                                                 | A Code Enforcement case (14796) was processed for illegal signs at 2923 W. Sahara Avenue. The case was closed on 11/23/04.                                                                                                                                                   |
| 05/12/04                                                 | A Code Enforcement case (14797) was processed for illegal signs at 2927 W. Sahara Avenue. The case was closed on 09/28/04.                                                                                                                                                   |
| 05/12/04                                                 | A Code Enforcement case (14794) was processed for illegal signs at 2929 W. Sahara Avenue. The case was closed on 10/05/04.                                                                                                                                                   |
| 05/19/04                                                 | The City Council approved a request for a Required Review (RQR-4021) of an approved Special Use Permit (U-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2921 W. Sahara Avenue. The Planning Commission recommended denial on 04/22/04.     |
| 12/21/04                                                 | A Code Enforcement case (24682) was processed for a Psychic sign in front of property at 2925 W. Sahara Avenue. The case was closed on 01/13/05.                                                                                                                             |
| 07/05/05                                                 | A Code Enforcement case (32175) was processed for a graffiti problem at 2929 W. Sahara Avenue. The case was closed on 08/23/05.                                                                                                                                              |
| 07/28/05                                                 | A Code Enforcement case (33044) was processed for graffiti on the building at 2929 W. Sahara Avenue. The case was closed on 08/11/05.                                                                                                                                        |
| 08/23/05                                                 | A Code Enforcement case (33874) was processed for illegal signs at 2925 W. Sahara Avenue. The case was closed on 08/30/05.                                                                                                                                                   |
| 01/03/06                                                 | A Code Enforcement case (37288) was processed for illegal signs and selling cars in the parking lot at 2925 W. Sahara Avenue. The case was closed on 01/11/06.                                                                                                               |
| 11/16/06                                                 | A Code Enforcement case (48044) was processed for illegal signs at 2925 W. Sahara Avenue. The case was closed on 01/29/07.                                                                                                                                                   |
| 03/12/09                                                 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #31/ds).                                                                                                                                                                                             |
| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                                                              |
| 08/23/90                                                 | A building permit (090080031) was issued for an Off-Premise Sign (Billboard) at 2929 W. Sahara Avenue. The permit was finalized on 02/06/91.                                                                                                                                 |
| 01/28/91                                                 | A building permit (091095547) was issued for electric service for an Off-Premise Sign (Billboard) at 2929 W. Sahara Avenue. The permit was finalized on 02/06/91.                                                                                                            |
| 07/10/96                                                 | A business license (B04-00076) was issued for a Barber Shop at 2929 W. Sahara Avenue. The license is still active.                                                                                                                                                           |
| 11/14/08                                                 |                                                                                                                                                                                                                                                                              |

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|  | A business license (A24-91054) was issued for Psychic Arts/Science Shop at 2929 W. Sahara Avenue. The license is still active. |
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| <b><i>Pre-Application Meeting</i></b>                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A pre-application meeting was not required, nor was one held. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b><i>Neighborhood Meeting</i></b>                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| A neighborhood meeting was not required, nor was one held.    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b><i>Field Check</i></b>                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 02/25/09                                                      | Staff conducted a field check of the subject site with the following observations: <ul style="list-style-type: none"> <li>• The sign facing east is double faced; both sides of the sign are in good condition.</li> <li>• There are no embellishments, animated signage, or electronic displays.</li> <li>• There is graffiti on the base portion of the sign structure.</li> <li>• All structural elements have been properly screened from public view.</li> </ul> |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 0.27 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>       | <b>Planned Land Use</b>     | <b>Existing Zoning</b>          |
|-----------------------------|--------------------------------|-----------------------------|---------------------------------|
| Subject Property            | Retail Establishment           | SC (Service Commercial)     | C-1 (Limited Commercial)        |
| North                       | Financial Institution, General | SC (Service Commercial)     | C-1 (Limited Commercial)        |
| South                       | Single Family Residences       | L (Low Density Residential) | R-1 (Single Family Residential) |
| East                        | Casino                         | SC (Service Commercial)     | C-1 (Limited Commercial)        |
| West                        | Restaurant                     | SC (Service Commercial)     | C-1 (Limited Commercial)        |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | X                | N/A                      |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      | X                 |                  | Y                        |
| A-O Airport Overlay District (200 feet)           | 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

| 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                                                                                                                                                                                    | Sign is located in 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; 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 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.                                                                                                                                             | All 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.                                                                                                                                                                           | The sign is closer than 300 feet from property zoned for residential use to the south, east, and southwest. | 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 not located on property zoned for residential use.        | Y          |

The City Council approved a Special Use Permit (U-0107-90) allowing the sign to be at a height of 45 feet. Additionally, the residential properties were in existence when the sign was installed.

## **ANALYSIS**

This is the sixth Required Review of an approved Special Use Permit (U-0107-90) for a 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard). A research of the building permit activity revealed two separate permits (090080031 and 091095547) were issued for the sign, both finalized on 02/06/91 under the address of 2929 W. Sahara Avenue. Staff conducted a field inspection of the subject site and found both signs in good condition with the sign facing east double-faced, and graffiti on the base portion of the structure.

The Off-Premise Sign (Billboard) is located approximately 95 feet from property zoned for residential use to the south; 122 feet from property to the southwest; and 250 feet from property to the east, where Title 19.14.100 requires a minimum of 300 feet. Though the sign does not meet current Title 19.14.100 requirements pertaining to the distance separation from residentially zoned property, these requirements were not adopted until 04/19/95 by Ordinance 3884, therefore, the sign is legally conforming.

## **FINDINGS**

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. 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 initial approval and installation of the sign; therefore, staff is recommending approval, subject to a three-year review.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

15

**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 3

**NOTICES MAILED** 280 by City Clerk

**APPROVALS** 0

