



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-32723 APPLICANT: CLEAR CHANNEL OUTDOOR, INC.

- OWNER: DAVID MADDOX

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0119-95).
2. The owner of this Off-Premise Sign (Billboard) shall, within 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).
3. This Special Use Permit shall be placed on an agenda closest to November 1, 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.
4. 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).
5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0119-95) 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 Review of an approved Special Use Permit (U-0119-95) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3340 N. Rancho Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/15/75	The City Council approved and later rescinded the approval (10/20/76) a request for a Variance (V-0049-75) to allow a mobile home to be used as a security office and a residence on property at 3340 N. Rancho Drive. The Board of Zoning Adjustment recommended denial on 09/02/75.
05/22/80	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0026-80) to allow Used Car Sales at 3340 N. Rancho Drive.
11/01/95	The City Council approved a request for a Special Use Permit (U-0119-95) for a double-faced Off-Premise Sign (Billboard) at 3340 N. Rancho Dr. The Board of Zoning Adjustment recommended denial on 09/26/95.
05/10/05	A Code Enforcement case (29775) was processed for the Sensation Spas building having a large showroom without a permit, cargo containers, an RV on the lot, and other violations at 3340 N. Rancho Drive. The case was closed on 05/24/06.
05/13/06	A Temporary Sign Permit (TSP-13589) was issued for vinyl banners 3 feet high by 20 feet long with 24-inch letters from 05/13/06 through 05/20/06.
07/12/06	The City Council accepted the applicants request to Withdraw Without Prejudice a request for a Site Development Plan Review (SDR-11902) for a proposed 9,571 square-foot commercial building and a waiver of the perimeter landscape requirements on 0.49 acres at 3340 N. Rancho Drive. The Planning Commission recommended denial on 04/13/06.
07/12/06	The City Council accepted the applicants request to Withdraw Without Prejudice a request for a Variance (VAR-11904) to allow 11 parking spaces where 33 spaces are required and to allow no loading zone where one is required for a proposed commercial building on 0.49 acres at 3340 N. Rancho Drive. The Planning Commission recommended denial on 04/13/06.
07/12/06	The City Council accepted the applicants request to Withdraw Without Prejudice a request for a Variance (VAR-11981) to allow a five-foot side yard setback where 10 feet is required and to allow a five-foot rear yard setback where 20 feet is required for a proposed commercial building on 0.49 acres at 3340 N. Rancho Dr. The Planning Commission recommended denial on 04/13/06.

02/25/08	A Code Enforcement case (62630) was processed for zoning and building violations at 3340 N. Rancho Drive. The case is still open.
08/06/08	The City Council denied a request for a Site Development Plan Review (SDR-28080) for an existing building and landscape material/lumber yard with a waiver to allow a zero-foot landscape buffer along the north, south, and east perimeter where an eight-foot buffer is required on 0.96 acres at 3220 and 3240 N. Rancho Drive. The Planning Commission recommended approval on 06/26/08.
08/06/08	The City Council denied a request for a Variance (VAR-28081) to allow a 0.5-foot setback where 10 feet is required for an existing building on 0.48 acres at 3220 N. Rancho Drive. The Planning Commission recommended approval on 06/26/08.
03/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #26/ds).
<i>Related Building Permits/Business Licenses</i>	
01/08/96	A building permit (96000458) was issued for an Off-Premise Sign (Billboard) at 3340 N. Rancho Drive. The permit was not finalized.
07/11/96	A building permit (96013842) was issued for electrical service for a billboard at 3340 N. Rancho Drive. The permit was not finalized.
No business licenses are valid for the subject property.	
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nr 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. • All structural elements have been properly screened. • The sign and supporting structure is in good condition and does not require repainting or bird deterrents.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.49

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Building	GC (General Commercial)	C-2 (General Commercial)
North	Auto Repair Garage, Major	GC (General Commercial)	C-2 (General Commercial)
South	Open Air Sales Lot	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped Land	GC (General Commercial)	C-2 (General Commercial)
West	Auto Repair Garage, Major	GC (General Commercial)	C-2 (General 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 (70 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-2 (General 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 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 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 a highway and 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 at least 300 feet to the nearest property line zoned for residential use.	Y
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 not located on property used for residential purposes.	Y

ANALYSIS

This is the first required review of an approval Special Use Permit (U-0119-95) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3340 N. Rancho Dr. A research of building permit history revealed that sign permit #96000458 was issued for the installation of a billboard and #96013842 was issued for electrical service for the billboard; neither permits received a final inspection. Staff conducted a field inspection of the subject site and found the sign and supporting structure in good condition.

FINDINGS

The sign is located in a C-2 (General Commercial) zoning district and it is not within the Off-Premise Sign Exclusionary Zone. Staff finds that there is no adverse impact regarding the continued use of this sign, as there has been no change in land use and minor development in surrounding the area since the installation of the sign. The sign lacks any history of acquiring a final inspection for the billboard; therefore, staff is recommending denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 121 by City Clerk

APPROVALS 0

PROTESTS 0