

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 23, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-32951 APPLICANT: CLEAR CHANNEL OUTDOOR -****OWNER: DECATUR CAR CARE ASSOCIATES**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL, subject to:****Planning and Development**

1. Conformance to the conditions for Special Use Permit (U-0003-91).
2. This Special Use Permit shall be placed on an agenda closest to March 20, 2012 at which time the City Council may require the Off-Premise Advertising (Billboard) Sign 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 Advertising (Billboard) Sign is removed.
3. The Off-Premise Advertising (Billboard) Sign 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 Advertising (Billboard) Sign.
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0003-91) 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.

RQR-32951 - Staff Report Page One
April 23, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Special Use Permit for a 50-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2003 S. Decatur Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/14/63	The Planning Commission approved a request for Rezoning (Z-0155-62) from R-1 (Single Family Residential) to R-4 (High Density Residential) on property generally located on the east side of Decatur Boulevard between Oakey Boulevard and Sahara Avenue and on the north side of Sahara Avenue between Decatur Boulevard and Arville Street.
06/07/78	The City Council approved a request for Rezoning (Z-0038-78) from R-1 (Single Family Residential), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to R-PD8 (Residential Planned Development- 8 Units per Acre) of property generally located on the south side of Oakey Boulevard between Decatur Boulevard and Arville Street. The Planning Commission recommended approval on 05/11/78.
04/16/80	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0038-78) to allow a Branch Post Office Facility (Garside Station) on property generally located on the east side of Decatur Boulevard between Oakey Boulevard and OBannon Drive. The Planning Commission recommended approval on 03/25/80.
02/17/82	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0038-78) for a Pan-American International Bank on property generally located on the east side of Decatur Boulevard between Oakey Boulevard and OBannon Drive. The Planning Commissioner recommended approval on 01/26/82.
05/03/89	The City Council approved a request for a Rezoning (Z-0016-89) from R-3 (Medium Density Residential) under Resolution of Intent to C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the east side of Decatur Boulevard between Oakey Boulevard and OBannon Drive. The Planning Commission recommended approval on 04/13/89.

RQR-32951 - Staff Report Page Two
April 23, 2009 - Planning Commission Meeting

09/05/90	The City Council approved a request for a Plot Plan Review (Z-0016-89) for a proposed Automobile Service Facility including customer operated Car Wash and a Review of Condition of approval, which limits the hours of operation and prohibits access to the property after business hours on property located on the east side of Decatur Boulevard between Oakey Boulevard and OBannon Drive. The Planning Commission recommended approval on 06/14/90.
03/20/91	The City Council approved a request for a Special Use Permit (U-0003-91) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at 2003 S. Decatur Boulevard. The Board of Zoning Adjustment recommended approval on 02/28/91.
05/15/91	The City Council approved a request for a Plot Plan Review and Building Elevation (Z-0016-89) for a proposed Carry-out Restaurant and a Hair Salon on property located at 2001 S. Decatur Boulevard. The Planning Commission recommended approval on 04/23/91.
02/17/93	The City Council approved a request for a Special Use Permit (U-0302-92) to allow the sale of beer and wine in a proposed Restaurant. The Board of Zoning Adjustment recommended approval on 01/26/93.
04/17/96	The City Council approved a request for a Required Review [U-0003-91(1)] of an approved Special Use Permit (U-0003-91) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at 2003 S. Decatur Boulevard. The Board of Zoning Adjustment recommended approval on 03/26/96.
<i>Related Building Permits/Business Licenses</i>	
03/25/91	A building permit (91100978) was issued for a billboard at 1901 S. Decatur Boulevard. The permit was finalized on 04/11/91.
10/18/91	A building permit (91123420) was issued for a new building at 2003 S. Decatur Boulevard. The permit was finalized on 08/27/92.
06/03/92	A building permit (92148001) was issued for a building sign at 2003 S. Decatur Boulevard. The permit was finalized on 10/14/92.
11/03/92	A building permit (92165720) was issued for tenant improvements at 2003 S. Decatur Boulevard. The permit was finalized on 11/24/92.
01/12/00	A business license (L09-00086) was issued for a Beer/Wine/Cooler On-Sale Establishment at 2003 S. Decatur Boulevard, Suite B. The license is still active.
04/11/06	A business license (R09-00445) was issued for a restaurant at 2003 S. Decatur Boulevard, Suite B. 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.	

RQR-32951 - Staff Report Page Three
April 23, 2009 - Planning Commission Meeting

Field Check	
03/19/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays. • The sign facing south is blank; the other side is a double faced sign with both displays in good condition. • All structural elements have been properly secured from public view.

Details of Application Request	
Site Area	
Gross Acres	0.41

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	GC (General Commercial)	C-2 (General Commercial)
North	Swap Meet	SC (Service Commercial)	C-1 (Limited Commercial)
South	Minor, Auto Repair Garage	GC (General Commercial)	C-2 (General Commercial)
East	Post Office	PF (Public Facilities)	C-1 (Limited Commercial)
West	Auto Sales, New	GC (General Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
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

RQR-32951 - Staff Report Page Four
April 23, 2009 - Planning Commission Meeting

Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	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 50 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 billboard are properly 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 billboard 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 from property 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

* The City Council approved a Special Use Permit (U-0003-91) that allowed the sign to be at a height of 50 feet.

RQR-32951 - Staff Report Page Five
April 23, 2009 - Planning Commission Meeting

ANALYSIS

This is the second request for a Required Review of an approved Special Use Permit (U-0003-91) for a 50-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2003 S. Decatur Boulevard. A research of the building permit activity found that a sign permit (91100978) was issued for the installation of a billboard sign, which was finalized on 04/11/91 under the address of 1901 S. Decatur Boulevard. During a site inspection, staff found the sign facing south was blank, with the opposite side double-faced with both displays in good condition.

FINDINGS

The sign is located in a C-2 (General Commercial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. A sign permit (91100978) was issued for the billboard and a final inspection conducted under the address of 1901 S. Decatur Boulevard. Staff finds that there is no adverse impact regarding the continued use of the billboard sign, as there have been no significant changes in development or land use in the surrounding area since the last review; therefore, staff recommends approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

ASSEMBLY DISTRICT

9

SENATE DISTRICT

10

NOTICES MAILED

293

APPROVALS

0

PROTESTS

0