



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 28, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-33830 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: CONSTANTINO NOVAL NEVADA, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variance (V-0020-91).
2. This Variance shall be placed on the agenda closest to April 29, 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 Sign (Billboard) 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 Variance (V-0020-91) shall be expunged and a new Off-Premise Advertising (Billboard) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Variance (V-0020-91) which allowed the relocation of two Off-Premise Advertising (Billboard) Signs with a 550-foot separation between the signs where 750 feet is required at the northeast corner of Mineral Avenue and Martin L. King Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
04/29/91	The City Council approved a Variance (V-0020-91) to allow the relocation of two Off-Premise Advertising (Billboard) Signs on the property; and to allow a 550-foot separation between the signs where 750 feet is required on property located on the northeast corner of Mineral Avenue and Martin L. King Boulevard. The Board of Zoning Adjustment and staff recommended denial of the request.
05/15/96	The City Council approved a Required Review [V-0020-91(1)] of an approved Variance (V-0020-91) to allow the relocation of two Off-Premise Advertising (Billboard) Signs on the property; and to allow a 550-foot separation between the signs where 750 feet is required on property located on the northeast corner of Mineral Avenue and Martin L. King Boulevard. The Board of Zoning Adjustment and staff recommended approval of the request.
06/08/98	The City Council approved a Special Use Permit (U-0025-98) for a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 73 Martin L. King Boulevard. The Planning Commission recommended approval, but staff recommended denial of the request.
08/02/00	The City Council approved a Required Two Year Review [U-0025-98(1)] of an approve Special Use Permit (U-0025-98) to allow a 672 square foot, 48-foot tall, Off-Premise Advertising (Billboard) Sign on property located at 73 Martin L. King Boulevard.
06/20/01	The City Council approved a Required Review [V-0020-91(2)] of an approved Variance (V-0020-91) to allow the relocation of two Off-Premise Advertising (Billboard) Signs on the property; and to allow a 550-foot separation between the signs where 750 feet is required on property located at the northeast corner of Mineral Avenue and Martin L. King Boulevard. The Planning Commission and staff recommended approval of the request.

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09/18/02	The City Council approved a Required Two Year Review [U-0025-98(2)] of an approved Special Use Permit (U-0025-98) which allowed a 74-foot tall, 14-foot by 48-foot, Off-Premise Advertising (Billboard) Sign at 73 South Martin L. King Boulevard. The Planning Commission recommended approval, but staff recommended denial on the request.
11/08/04	Staff administratively approved a Site Development Plan Review (SDR-19968) to allow a Wireless Communication Antenna to be co-located on an existing Verizon wireless tower at 81 Martin L. King Boulevard.
05/16/07	The City Council approved a Site Development Plan Review (SDR-20178) for a freestanding sign, 80 feet in height within 200 feet of Highway US-95 on 8.19 acres at 81 South Martin Luther King Boulevard. The Planning Commission and staff recommended approval of the request.
11/19/08	The City Council approved a Required Five Year Review (RQR-29722) of an approved Special Use Permit (U-0025-98) for a 74-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sing at 73 South Martin L. King Boulevard. The Planning Commission recommended approval of the request, but staff recommended denial of the request.
<i>Related Building Permits/Business Licenses</i>	
02/17/05	A Building Permit (#36301) was issued for a block wall to house cellular equipment at 81 Martin L. King Boulevard. The permit was finaled on 03/08/05.
11/28/05	A deed was recorded for a change of ownership.
12/22/08	A Building Permit (#130346) was issued for two Off-Premise Advertising (Billboard) Signs at 73 Martin L. King Boulevard. The permit was finaled on 01/21/09.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
04/21/09	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 and pole were in good condition and free of debris. - All structural elements have been properly screened from public view.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.60 acres

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Retail	LI/R (Light Industrial / Research)	M (Industrial)
North	Right-Of-Way U.S. 95	Right-Of-Way U.S. 95	Right-Of-Way U.S. 95
South	Retail	LI/R (Light Industrial / Research) and C (Commercial)	M (Industrial)
East	Right-Of-Way U.S. 95	Right-Of-Way U.S. 95	Right-Of-Way U.S. 95
West	Apartments	LI/R (Light Industrial/Research) and MXU (Mixed Use)	M (Industrial) and R-5 (Apartment)

<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		
A-O (Airport Overlay) District (175-foot)	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 the 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 an M (Industrial) zoning district.	Y

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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 of the sign are screened from 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)	Signs are 550 feet from each other where 750 feet is the minimum required.	N
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 attached to the ground and is not located on property zoned for residential use.	Y

ANALYSIS

This is the fourth Required Review of an approved Variance (V-0020-91) which allowed the relocation of two Off-Premise Advertising (Billboard) Signs with a 550-foot separation of two Off-Premise Advertising Signs where 750 feet is required. Research of the permit activity found that Building Permit #130346 was issued for the two Off-Premise Advertising (Billboard) Signs at 73 Martin L. King Boulevard, which received a final inspection on 01/21/09. Staff conducted a site inspection and found the sign and support structure in good condition and being properly maintained.

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The sign is located in an M (Industrial) zoning district and is not within the Off-Premise Exclusionary Zone. Staff finds that there is no adverse impact regarding the continued use of the Off-Premise Sign (Billboard), as there have been no significant changes in the development or land use in the surrounding area since the sign was installed; therefore, staff recommends approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21**ASSEMBLY DISTRICT** 6**SENATE DISTRICT** 4**NOTICES MAILED** 29**APPROVALS** 0**PROTESTS** 0