

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MAY 28, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-33797 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: B 2, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the conditions for Variance (V-0046-89).
2. The owner of this Off-Premise Sign (Billboard) shall within 30 days, obtain either 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 Variance shall be placed on an agenda closest to June 21, 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 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.
5. If the existing off-premise sign is voluntarily demolished, this Variance (V-0046-89) 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.
6. 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-0046-89) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at the northwest corner of Sahara Avenue and Valley View Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
06/21/89	The City Council approved a Variance (V-0046-89) to allow two proposed 14-foot by 48-foot Off-Premise Advertising (Billboard) Signs; and to allow the signs to be 140 feet apart, where a 300-foot minimum distance separation is required at the northwest corner of Sahara Avenue and Valley View Boulevard. The Board of Zoning Adjustment and staff recommended denial of the request.
07/20/94	The City Council approved a Required Review [V-0046-89(1)] of an approved Variance (V-0046-89) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) and to allow the signs to be 140 feet apart, where a 300-foot minimum distance separation is required at the northwest corner of Sahara Avenue and Valley View Boulevard. The Board of Zoning Adjustment recommended approval, but staff recommended denial of the request.
05/27/97	The City Council approved a Rezoning (Z-0029-97) on properties located at 1110 and 1096 E. Sahara Avenue; 3920, 3824, 3820 and 4000 W. Sahara Avenue and 2301 and 2408 Las Verdes Avenue from C-C (Neighborhood Commercial Center) to C-1 (Limited Commercial). The Planning Commission and staff recommended approval of the request.
01/08/98	Staff administratively approved a Site Development Plan Review [Z-29-97 (1)] for a 2,936 square-foot addition to an existing 2,400 square-foot office building at the northwest corner of Sahara Avenue and Valley View Boulevard.
09/15/99	The City Council approved a Required Review [V-0046-89(2)] of an approved Variance (V-0046-89) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) and to allow the signs to be 140 feet apart, where a 300-foot minimum distance separation is required at the northwest corner of Sahara Avenue and Valley View Boulevard. The Board of Zoning Adjustment recommended approval, but staff recommended denial of the request.

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10/17/01	The City Council approved a Required Review [V-0046-89(3)] of an approved Variance (V-0046-89) which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign and to allow the signs to be 140 feet apart, where a 300-foot minimum distance separation is required at the northwest corner of Sahara Avenue and Valley View Boulevard. The Planning Commission recommended approval, but staff recommended denial of the request.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits for the subject Off-Premise Advertising (Billboard) Signs.	
03/01/74	A change in ownership was recorded at 3820 W. Sahara Avenue.
<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>	
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	0.33 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail and Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

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<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 (200-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 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 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

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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)	At least 300 feet to 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 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-046-89) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. The previous Required Reviews allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign to be 140 feet from another Off-Premise Advertising (Billboard) Sign where 300 feet the minimum separation required is. A site visit was conducted on 04/21/09 by staff. One of the two signs, which were permitted, is no longer on the subject site. Therefore, the separation distance no longer applies and the subject Required Review is for the one remaining Off-Premise Advertising (Billboard) Sign. The site inspection also revealed, that there were no embellishments and found that the sign and support structure were in good condition. The subject billboard lacks a final inspection. A condition of approval has been added, which requires that applicant to obtain proper building permits.

FINDINGS

The sign is located within a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Exclusionary Zone. Staff finds there is no adverse impact regarding the continued use of the sign at this time, but the subject billboard lacks a final inspection; therefore, staff is recommending denial subject to a three-year review, if approved.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 168

APPROVALS 0

PROTESTS 2