



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 10, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-35241 - APPLICANT/OWNER - CLEAR CHANNEL  
OUTDOOR**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. Conformance to the conditions for Variance (V-0025-88).
2. This Required Review shall be placed on the agenda closest to June 15, 2012 at which time the City Council may require the Off-Premise 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 be removed.
3. A Building Permit final inspection shall be obtained within 30 days of final action.
4. The Off-Premise 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 Sign.
5. If the existing Off-Premise Sign is voluntarily demolished, this Variance (V-0025-88) shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a new 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.

**RQR-35241 - Staff Report Page One**  
**September 10, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Required Review of a previously approved Variance (V-0025-88), which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue. If denied, the existing billboard would no longer be permitted on the subject site without a new Special Use Permit. The applicant has been issued for a Building Permit (#144844) for the sign, but has not received a final inspection. A condition of approval has been added, which requires a Building Permit final inspection to be obtained within 30 days of final action. Therefore, staff recommends approval of the request as the billboard and support structure are in good condition.

**Issues:**

- A Building Permit (#144844) for the subject sign was issued on 08/21/09. The sign has not received its final inspection.
- A condition of approval has been added, which requires a final inspection within 30 days of final action.
- The billboard and support structure were in good condition and free of graffiti and bird droppings.
- This is the sixth review of the subject billboard, which was originally approved on 06/15/88.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</b></i> |                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/15/88                                                                                     | The City Council approved a Variance (V-0025-88) which allowed a 80-foot high, 14-foot by 48foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended denial on 05/26/88.                                                  |
| 07/21/93                                                                                     | The City Council approved a Required Review [V-0025-88(1)] of an approved Variance (V-0025-88), which allowed a 80-foot high, 14-foot by 48foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 06/22/93. |
| 07/27/98                                                                                     | The City Council approved a Required Review [V-0025-88(2)] of an approved Variance (V-0025-88), which allowed a 80-foot high, 14-foot by 48foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 07/07/98. |

**RQR-35241 - Staff Report Page Two**  
**September 10, 2009 - Planning Commission Meeting**

|                                                              |                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/16/03                                                     | The City Council approved a Required Review (RQR-1706) of an approved Variance (V-0025-88), which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a two-year review. The Planning Commission recommended approval on 02/27/03. Staff recommendation was for denial.                       |
| 08/29/03                                                     | A deed was recorded for a change of ownership.                                                                                                                                                                                                                                                                                                                              |
| 06/01/05                                                     | The City Council approved a request for a Required Review (RQR-6151) of an approved Variance (V-0025-88), which allowed a 14 foot by 48 foot Off-Premise Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue. The Planning Commission and staff recommended approval.                                                           |
| 09/05/07                                                     | The City Council approved a Required Review (RQR-21346) of an approved Variance (V-0025-88), which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue.                                                                                                                                |
| <b><i>Related Building Permits/Business Licenses</i></b>     |                                                                                                                                                                                                                                                                                                                                                                             |
| 08/21/09                                                     | A Building Permit (#144844) was issued for the subject Off-Premise Sign at 2130 South Highland Drive. The billboard has not received its Building Permit final inspection.                                                                                                                                                                                                  |
| <b><i>Pre-Application Meeting</i></b>                        |                                                                                                                                                                                                                                                                                                                                                                             |
| A pre-application meeting is not required, nor was one held. |                                                                                                                                                                                                                                                                                                                                                                             |
| <b><i>Neighborhood Meeting</i></b>                           |                                                                                                                                                                                                                                                                                                                                                                             |
| A neighborhood meeting is not required, nor was one held.    |                                                                                                                                                                                                                                                                                                                                                                             |
| <b><i>Field Check</i></b>                                    |                                                                                                                                                                                                                                                                                                                                                                             |
| 08/06/09                                                     | Staff conducted a field check of the subject site with the following observations: <ul style="list-style-type: none"> <li>The subject billboard and support structure were free of graffiti and bird droppings.</li> <li>Graffiti and debris were identified on the subject site, but were not within the easement/lease area occupied by the subject billboard.</li> </ul> |

|                                              |            |
|----------------------------------------------|------------|
| <b><i>Details of Application Request</i></b> |            |
| <b><i>Site Area</i></b>                      |            |
| Net Acres                                    | 0.89 acres |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>        | <b>Existing Zoning</b> |
|-----------------------------|--------------------------|--------------------------------|------------------------|
| Subject Property            | Commercial/Industrial    | LI/R (Light Industry/Research) | M (Industrial)         |
| North                       | Commercial/Industrial    | LI/R (Light Industry/Research) | M (Industrial)         |
| South                       | Commercial/Industrial    | LI/R (Light Industry/Research) | M (Industrial)         |

**RQR-35241 - Staff Report Page Three**  
**September 10, 2009 - Planning Commission Meeting**

|      |                              |                                |                              |
|------|------------------------------|--------------------------------|------------------------------|
| East | Commercial/Industrial        | LI/R (Light Industry/Research) | M (Industrial)               |
| West | Interstate 15 (Right-of-Way) | Interstate 15 (Right-of-Way)   | Interstate 15 (Right-of-Way) |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| Redevelopment Plan Area                           | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O Airport Overlay District                      | 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**

| <b>Standards</b> | <b>Code Requirement</b>                                                                                                                                                              | <b>Provided</b>                                          | <b>Compliance</b> |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-------------------|
| Location         | No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas | Not located within the Exclusionary Zone or Right-of-Way | Y                 |
| Zoning           | Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only                                                                             | Located within a M (Industrial) zoning district          | Y                 |

**RQR-35241 - Staff Report Page Four**  
**September 10, 2009 - Planning Commission Meeting**

|                     |                                                                                                                                                                                                                                                                                              |                                             |   |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---|
| Area                | No Off-Premise Advertising (Billboard)<br>Signs 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. | 672 SF                                      | Y |
| Height              | No higher than 40 feet from grade at the point of construction                                                                                                                                                                                                                               | Maximum height of 80 feet from grade        | N |
| Screening           | All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.                                                                                                                                                 | Screened                                    | Y |
| Distance Separation | At least 750 feet to another Off Premise Sign                                                                                                                                                                                                                                                | 795 feet to another Off Premise Sign        | Y |
| Distance Separation | At least 300 feet to the nearest property line of a lot in any R zoned district.                                                                                                                                                                                                             | 280 feet from R zoned property to the west. | N |

## ANALYSIS

This is the sixth review of the subject Off-Premise Sign. The subject billboard is legal non-conforming with respect to minimum distance separation requirements. The subject Off-Premise Sign does have a building permit, which was issued on 08/21/09, but has not received a final inspection. Staff conducted a site inspection and found the sign and support structure in good condition and being properly maintained. A condition of approval has been added, which requires the applicant to obtain a final building inspection within 30 days of final action; approval of this request is recommended.

**RQR-35241 - Staff Report Page Five**  
**September 10, 2009 - Planning Commission Meeting**

**FINDINGS**

The subject Off-Premise Sign is located within an M (Industrial) district. Staff finds that there is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area. Also, the billboard is in good condition, and the applicant is working towards obtaining final building inspections; therefore, staff is recommending approval, subject to a three-year review.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 142

**APPROVALS** 0

**PROTESTS** 3