



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 2, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-18260 - APPLICANT: CBS OUTDOOR - OWNER: CITY PARKWAY IV

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Condition Number 1 of Required Review (RQR-13616) shall be removed.
2. Conformance to all other conditions of approval of Required Review (RQR-13616) and all other subsequent related actions as required by the Planning and Development Department and the Public Works Department.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition Number 1 of an approved Required Review (RQR-13616) to remove the condition that required the applicant to obtain building permits and call for a final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council for an existing billboard adjacent to the north side of the Oran K. Gragson Highway (U.S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific Railroad tracks.

The Building Department states that either a permit shall be pulled for the subject sign and final inspected according to Code, or an appeal shall be filed to the Building Department. The Planning and Development Department is in agreement with the Building Department. The lack of a proper building permit fails to satisfy the Code, the conditions of approval, and poses a potential safety hazard. Therefore, denial of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 06/28/99 | The City Council approved a Required Two Year Review [U-0238-91(2)] for an approved Special Use Permit on property located on the south side of Oran K. Gragson Highway (U.S. 95) between F Street and Main Street, which allowed a 14-foot, by 48-foot off-premise (billboard) sign. Staff recommended the Special Use Permit be reviewed in November 2000 so the sign can be reviewed in conjunction with the Union Pacific development. |
| 07/12/99 | The City Council approved a Required Two Year Review [V-0046-92(2)] of an approved Variance on property located on the south side of Oran K. Gragson Highway (U.S. 95) between F Street and Main Street which allowed a 14 foot by 48 foot off-premise (billboard) sign 690 feet from an existing off-premise (billboard) sign where 750 feet is the minimum distance required. |
| 12/20/00 | The City Council approved a Required Review [V-0046-92(3)] of an approved Variance on property located on the south side of Oran K. Gragson Highway (U.S. 95) between F Street and Main Street which allowed a 14 foot by 48 foot off-premise (billboard) sign 690 feet from an existing off-premise (billboard) sign where 750 feet is the minimum distance required. |
| 02/21/01 | The City Council approved a Required Review [U-0238-91(3)] for an approved Special Use Permit on this property, which allowed a 14-foot by 48-foot off-premise (billboard) sign. Staff recommended that the Special Use Permit be reviewed one year from the date of approval, so the sign can be reviewed in conjunction with development of the Union Pacific property. |
| 02/14/02 | The City Council approved a Required One Year Review [U023891(4)] on an approved Special Use Permit which allowed a 14 foot x 48 foot off-premise advertising (billboard) sign. The Planning Commission and staff recommended approval on 02/28/02. |

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| 04/03/02 | The City Council approved a Required One Year Review [V-0046-92(4)] of an approved Variance which allowed a 14 foot x 48 foot off-premise advertising (billboard) sign 690 feet from an existing off-premise advertising (billboard) sign where 750 feet is the minimum distance separation allowed on the north side of the Oran K. Gragson Highway (U.S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific Railroad tracks. The Planning Commission and staff recommended approval on 04/03/02. |
| 05/21/03 | The City Council approved a Required One Year Review (RQR-1993) of an approved Special Use Permit [U-0238-94(4)] which allowed a 14 x 48 foot Off-Premise Advertising (Billboard) Sign adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street. The Planning Commission and staff recommended approval on 04/24/03. |
| 06/04/03 | The City Council approved a Required One Year Review (RQR-1909) of an approved Variance [V-0046-92(4)] which allowed a 14 x 48 foot Off-Premise Advertising (Billboard) Sign to be 690 feet from an existing Off-Premise Advertising (Billboard) Sign where 750 feet is the minimum distance separation allowed. The Planning Commission and staff recommended approval on 06/04/03. |
| 07/06/05 | The City Council approved a Required Two-Year Review (RQR-6252) of an approved Special Use Permit (U-0238-94) which allowed on 14 x 48 foot Off-Premise Advertising (Billboard) Sign. Also, an additional Required Two Year Review (RQR-6345) was approved to allow a 14 foot x 48 foot Off-Premise Advertising (Billboard) Sign to be 690 feet from an existing Off-Premise Advertising (Billboard) Sign where 750 feet is the minimum distance required adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street. The Planning Commission and staff recommended approval of the Required Review (RQR-6252) on 05/26/05. The Planning Commission and staff recommended approval of the other Required Review (RQR-6345). |
| 08/16/06 | The City Council approved a Required Review (RQR-13616) Required One Year Review of an approved Variance [V-0046-92(4)] which allowed a 40-foot, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign to be located 69- feet from an existing Off-Premise Advertising (Billboard) Sign where 750 feet is the minimum distance separation required adjacent to the north side of the Oran K. Gragson Highway (U.S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific Railroad tracks. The Planning Commission and staff recommended approval on 07/13/06. |
| <i>Related Building Permits/Business Licenses</i> | |
| 06/19/92 | A building permit (#92149742) was issued for the subject billboard. The permit expired on 02/13/93. |
| 08/03/92 | A building permit (#92155091) was issued for electrical service on the subject billboard. The electrical service was finaled on 08/13/92. |

| <i>Details of Application Request</i> | |
|---------------------------------------|------|
| <i>Site Area</i> | |
| Gross Acres | 5.28 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---|-------------------------|--------------------------|
| Subject Property | Undeveloped | MXU (Mixed-Use) | M (Industrial) |
| North | Food Processing Plant | MXU (Mixed-Use) | M (Industrial) |
| South | US-95 R.O.W. with undeveloped land south of US-95 | MXU (Mixed-Use) | M (Industrial) |
| East | Union Pacific Railroad and Hotel/Casino | C (Commercial) | C-2 (General Commercial) |
| West | Industrial | MXU (Mixed-Use) | M (Industrial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | | |
| Redevelopment Plan Area | X | | Y |
| Special Districts/Zones | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Parkway Center | X | | Y |
| Trails | X | | Y |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

ANALYSIS

The applicant never obtained a final inspection on the original building permit that was pulled for the subject Off Premise Advertising (billboard) Sign. The permit was issued (06/19/92) and then was allowed to expire (02/13/93). This creates a potential hazard to the public safety. The Building Department states that either a permit shall be pulled for the subject sign and final inspected according to Code, or an appeal shall be filed to the Building Department. The Planning and Development Department is in agreement with the Building Department. The lack of a proper building permit fails to satisfy the Code, the conditions of approval, and poses a potential safety hazard. Therefore, denial of this request is recommended.

Conditions of approval from RQR-13616:

1. The applicant shall obtain building permits and call for a final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council.
2. The existing graffiti shall be removed within ten (10) days of final approval.

3. The Variance shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review.
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 sign (billboard).

FINDINGS

Both the Building Department and the Department of Planning and Development find that this request is not supported as the requested removal of this condition is not in compliance with Code and creates a potential safety hazard. Therefore, denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 51

APPROVALS 0

PROTESTS 0