



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: June 30, 2004

Subject: MOTION out of Community Development Committee for Review of Special Use Permit Decision by the Zoning Boards of Appeals.

List of committees that have reviewed:

Community Development will review the project just prior to the Council meeting on July 6th, at 5:30, however, the Committee has not reviewed the issue at the time of this writing.

The matter was unanimously rejected by the Planning Commission and it failed to receive the required 4 affirmative votes by the ZBA (vote was 3-2)

Background:

The City Council has a 21-day right of review period to consider the actions of the Zoning Board of Appeals concerning a Special Use Permit for Mid America Sign's proposed new Billboard for 903 West Hwy 50. There is a current sign on the premise, which was subject to a special Use Permit by the ZBA in 1988. The billboard sign is currently 16' high, and the applicant is proposing a 30' high billboard. The current billboard sign has 250' square feet and the proposed billboard will have 300' square feet.

The City Council received within the last several days a summary of all actions on this matter to date. The Council, per ordinance, has 21days to review if the ZBA actions were appropriate, if new information needs to be gathered, etc. This right of review must be exercised by July 13.

It should be noted that the existing sign can be relocated on the lot without a Special Use Permit to a place chosen by the applicant, considering all setbacks and size limitations are adhered to. Therefore, if the Special Use Permit is denied by the Council, the applicant will still be able to use this existing sign and relocate it to a more advantageous place on the lot. We have an opinion from Dale Funk regarding this, which is attached.

Legal Considerations, if any: None

Budget Impact: None.

Staff recommendation: N/A