

Item # 13B

City of Carson City  
Agenda Report

Date Submitted: August 7, 2007

Agenda Date Requested: August 16, 2007  
Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

**Subject Title:** Action to introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.8, Requirements for Billboards and Off-Premise Signs, Subsection 4.8.3 to allow a billboard to be placed on the south side of Highway 50 West along a section of highway approximately 3/4-mile west of South Carson Street where billboards are currently prohibited, allowing a billboard to be placed at 800 Old Clear Creek Road. (File ZCA-07-074).

**Staff Summary:** The Carson City Municipal Code currently prohibits billboards along Highway 50 West, west of South Carson Street. The proposed amendment to the Zoning Ordinance would allow a billboard to be placed in this area.

**Type of Action Requested:**

- Resolution
- Ordinance - First Reading
- Formal Action/Motion
- Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Planning Commission Action:** Recommended denial June 27, 2007, by a vote of 6 Ayes and 1 nay.

**Recommended Board Action:** I move to deny ZCA-07-074, a Zoning Code Amendment application from Rogers Media to amend the Carson City Municipal Code to allow a billboard to be placed on the south side of Highway 50 West where billboards are currently prohibited, based on the findings contained in the staff report.

**Explanation for Recommended Board Action:** See the attached Planning Commission staff report for more explanation on the proposed action. Also refer to the related appeal to the Board of Supervisors of the Planning Commission's denial of Special Use Permit SUP-07-075 for more discussion and justification from the applicant and staff.

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC 18.16 (Zoning Code Amendments).

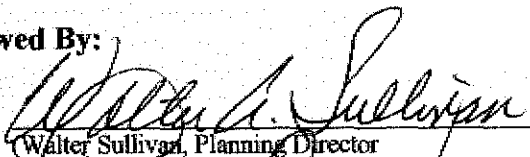
**Fiscal Impact:** N/A  
**Explanation of Impact:** N/A  
**Funding Source:** N/A

**Alternatives:** 1) I move to introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.8, Requirements for Billboards and Off-Premise Signs, Subsection 4.8.3 to allow a billboard to be placed on the south side of Highway 50 West along a section of highway approximately 3/4-mile west of South Carson Street where billboards are currently prohibited, allowing a billboard to be placed at 800 Old Clear Creek Road; or  
2) Refer the matter back to Planning Commission for further review.

- Supporting Material:**
- 1) Ordinance
  - 2) Planning Commission Case Record
  - 3) Planning Commission meeting packet
  - 4) Planning Commission meeting minutes
  - 5) Vicinity Photos (3)

**Prepared By:** Donna Fuller, Administrative Services Manager

**Reviewed By:**

  
(Walter Sullivan, Planning Director)

Date: 8-6-07

  
(Larry Werner, Development Services Director/City Engineer)

Date: 8/7/07

  
(Linda Ritter, City Manager)

Date: 8/7/07

  
(District Attorney's Office)

Date: 8-7-07

**Board Action Taken:**

Motion: \_\_\_\_\_

1) _____	Aye/Nay
2) _____	_____
	_____
	_____
	_____

\_\_\_\_\_  
(Vote Recorded By)

BILL NO. \_\_\_\_

ORDINANCE NO. 2007-\_\_\_\_\_

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING,, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.8, REQUIREMENTS FOR BILLBOARDS AND OFF-PREMISE SIGNS, SUBSECTION 4.8.3 TO ALLOW A BILLBOARD TO BE PLACED ON THE SOUTH SIDE OF HIGHWAY 50 WEST ALONG A SECTION OF HIGHWAY APPROXIMATELY 3/4-MILE WEST OF SOUTH CARSON STREET WHERE BILLBOARDS ARE CURRENTLY PROHIBITED, ALLOWING A BILLBOARD TO BE PLACED AT 800 OLD CLEAR CREEK ROAD, APN 009-302-09, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That Chapter 18.16 (Development Standards), Division 4 (Signs), Section 4.8 (Requirements for Billboards and Off-Premise Signs), subsection 4.8.3(b) of the Carson City Municipal Code is hereby amended to allow the placement of billboards along a certain portion of Highway 50 West, as follows (**bold, underlined** text is added, [stricken] text is deleted):

**4.8.3 New Billboards and Off-Premises Signs--Allowed Subject to Requirements.**

- a. Special Use Permit--Compliance with Other Restrictions.
  - (1) A billboard or off-premises sign not in existence as of the effective date of the ordinance codified in this chapter may only be erected subject to the Special Use Permit process set forth in CCMC Title 18, the requirements set forth in this Division, CCMC Chapter 4.04 (Business Licenses), and all other applicable requirements of local, state and federal laws.
  - (2) A Special Use Permit issued for a sign expires automatically five years from the date of issuance.
- b. Permitted Streets.
  - (1) A sign may only be erected adjacent to the following existing streets:

- (a) North and South Carson Street, between Douglas and Washoe Counties;
- (b) US Highway 50, between Lyon County and the intersection of US Highway 50 and 395 (mile marker US 50 CC 7.00).
- (c) The south side of US Highway 50 West from the Douglas County line to 660 feet (one-eighth mile) east of that point within Section 31 of Township 15 N., Range 20 E.**

- (2) New streets or portions of streets not yet constructed but which will have the same designations and descriptions as described in subdivisions (1) (a), [and] (b) **and (c)** of this subsection are not permitted streets adjacent to which such signs may be erected.

c. Height.

- (1) Sign height may not exceed 28 feet from street elevation for new signs and from existing grade for existing signs. The street elevation to be used for measuring height is the permitted streets described in subsection 'b' of this section.
- (2) Existing signs having a height less than 28 feet may be increased to that height only if the sign conforms to all requirements of this chapter including, without limitation, the issuance of a Special Use Permit for the added height.
- (3) Appendages, cut-outs or other such components shall be allowed only where such appendage, cut-out or other such component:
  - (a) Does not extend more than two feet above the maximum height limitations set forth in this section; and
  - (b) The added sign area is not greater than 10 percent of the area of the maximum display surface set forth in Section 4.8.3(g).

d. Number of Sign Faces on Each Structure--Position of Multiple Sign Faces.

- (1) The supporting structure of a sign may not contain more than one sign on each side of the structure, and each face must be parallel to the other face.
- (2) Existing single-faced signs may have a second face added to the opposite side of the sign only if the sign conforms to all requirements of this chapter, including without limitation, the issuance of a Special Use Permit for the added sign face and the additional business license pursuant to Chapter 4.04 of the Carson City Municipal Code.

e. Zoning of the Sign Site. The location of a sign must be zoned:

- (1) General Commercial; or
  - (2) General Industrial.
- f. **Spacing Distance from Other Off-Premises Signs.** A sign may not be closer than 1,000 feet in any direction to another billboard or off-premises sign. The spacing distance shall be measured by circumscribing the area around the sign by a full circle having the sign at the center of the circle and having a radius equal to the spacing distance.
- g. **Area of Sign.**
- (1) The area of a sign may not exceed 400 square feet.
  - (2) Existing signs having an area less than 400 square feet may be increased to that area only if the sign conforms to all requirements of this chapter including without limitation, the issuance of a Special Use Permit for the added sign area.
  - (3) Where an advertising display consists of individual letters, symbols, appendages, cut outs or other such components, or where such components are without an integrated background definition or are not within a single circumscribed frame area, it shall be deemed circumscribed by a line frame and shall not exceed the square foot limitation imposed by this chapter or by a Special Use Permit issued pursuant to this chapter.
- h. **Setback from Certain Uses and Zoning.** A sign may not be closer than 300 feet to property zoned Agricultural, Conservation Reserve, or Residential (single-family or multifamily).
- i. **Setback from Redevelopment Area.** A sign may not be located within 1,000 feet of the Carson City redevelopment project area as presently defined in this code.
- j. **Prohibited Supporting Structures.** A sign may not be attached to a roof or wall or other surface of a building. A sign must be a freestanding sign.
- k. **Prohibited Characteristics and Materials.**
- (1) No three-dimensional objects and no movable reflective materials may be used on a sign.
  - (2) A sign may be illuminated if:
    - (a) No direct rays of light project into residences or streets;

- (b) The source of light is external from and not attached to or part of the display surface.
- (3) Flashing, animated or intermittent illumination is not allowed on a sign.
- (4) Moving or rotating parts or beams of light are not allowed on a sign.
- (5) Lights which simulate or create the effect of motion or which change numbers of letters are not allowed on a sign.

**SECTION II:**

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2007.

PROPOSED BY Supervisor \_\_\_\_\_

PASSED \_\_\_\_\_, 2007.

VOTE: AYES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

MARV TEIXEIRA, Mayor

ATTEST:

\_\_\_\_\_

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year 2007.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: June 27, 2007

AGENDA ITEM NO.: H-3

APPLICANT(s) NAME: Rogers Media Company  
PROPERTY OWNER(s): n/a

FILE NO.: ZCA-07-074

ASSESSOR PARCEL NO(s): n/a  
ADDRESS: 800 Old Clear Creek Road

APPLICANT'S REQUEST: to recommend to the Board of Supervisors an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.8, Requirements for Billboards and Off-Premise Signs, Subsection 4.8.3 to allow a billboard to be placed on the south side of Highway 50 West along a section of highway approximately 3/4-mile west of South Carson Street where billboards are currently prohibited, allowing a billboard to be placed at 800 Old Clear Creek Road

COMMISSIONERS PRESENT: [x] REYNOLDS [x] VANCE [x] BISBEE  
[x] MULLET [x] PEERY [x] KIMBROUGH [x] SEMMENS

STAFF REPORT PRESENTED BY: Lee Plemel  
STAFF RECOMMENDATION: [x] APPROVAL  
APPLICANT REPRESENTED BY: Matt Rogers

[x] REPORT ATTACHED  
[ ] DENIAL

APPLICANT/AGENT PRESENT     APPLICANT/AGENT SPOKE     APPLICANT/AGENT NOT PRESENT     APPLICANT/AGENT DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

4 PERSONS SPOKE IN FAVOR OF THE PROPOSAL    0 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Jed Block - it's hard to survive in CC.

Ronnie Hannaman (Chamber) - 'This is too good to be true'; 'Win-Win'.

Joe McCarthy (Business Development) - I support this effort.

George Wendell - CC resident; put personal opinions aside; remember quality of life issues for small business.

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND DENIAL

MOVED: Semmens SECOND: Bisbee PASSED: 6/AYE 1\*NO   /DQ   /AB  
\*Reynolds

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: August 16, 2007

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JUNE 27, 2007

FILE NO: ZCA-07-074

AGENDA ITEM: H-3

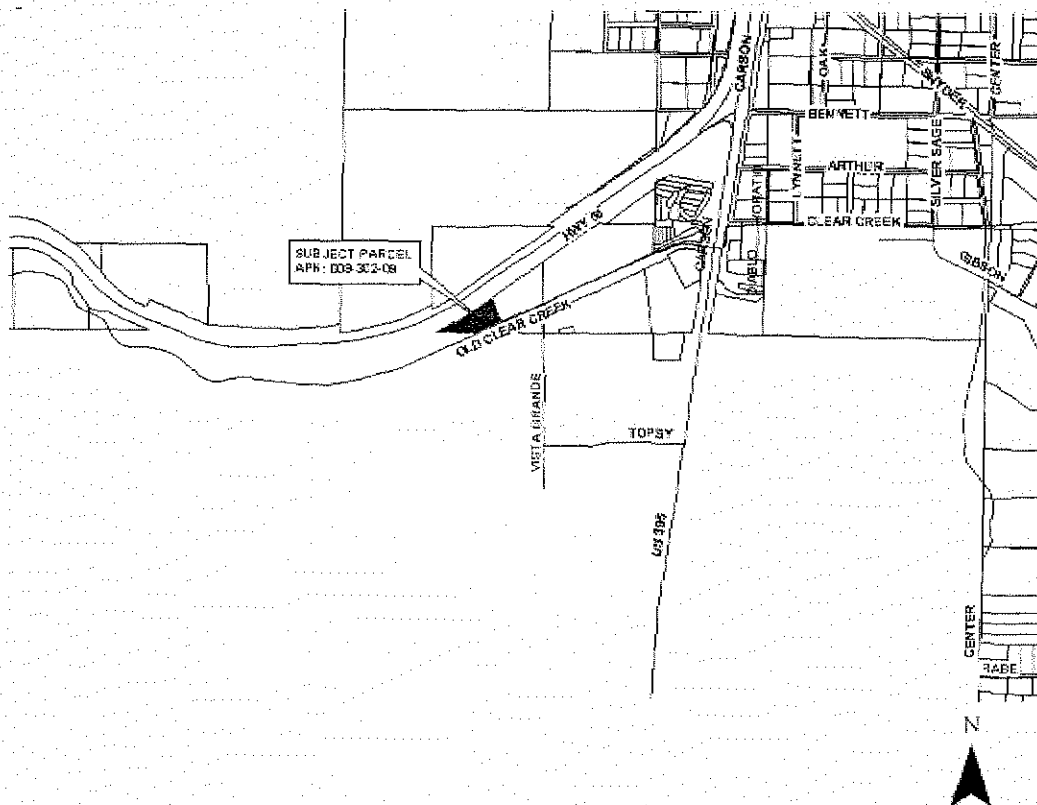
STAFF AUTHOR: Lee Plemel, AICP, Principal Planner

**REQUEST:** An ordinance amending Division 4.8.3 of the Sign Ordinance to allow the placement of a billboard at a specific location on the south side of Highway 50 West, approximately 3/4-mile west of South Carson Street, where billboards are currently prohibited.

**APPLICANT:** Rogers Media Company

**MOTION for APPROVAL:** "I move to recommend to the Board of Supervisors approval of ZCA-07-074, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.8, Requirements For Billboards And Off-Premise Signs, Subsection 4.8.3 to allow a billboard to be placed on the south side of Highway 50 West along a section of highway approximately 3/4-mile west of South Carson Street, allowing a billboard to be placed at 800 Old Clear Creek Road, APN 009-302-09, based upon the findings for approval contained in the staff report.

**MOTION for DENIAL:** "I move to recommend to the Board of Supervisors denial of ZCA-07-074, an ordinance amending the Carson City Municipal Code to allow a billboard to be placed on the south side of Highway 50 West along a section of highway approximately 3/4-mile west of South Carson Street, based upon the findings for denial contained in the staff report.





## **BACKGROUND:**

Billboards are regulated by the requirements of Division 4 (Signs) of the Development Standards. Among other requirements for the placement of billboards, Division 4 limits which streets billboards may be placed adjacent to. Presently, billboards are only permitted on North and South Carson Street from the Washoe County to Douglas County borders, and on US Highway 50 East between Lyon County and the intersection of US Highway 50 and North Carson Street (US 395).

The location of billboards is further limited by the following requirements:

- Zoning: Limited to General Commercial (GC) or General Industrial (GI) zoning districts;
- Spacing from other billboards: At least 1,000 feet;
- Setback from residential, Agriculture or Conservation Reserve zoning districts: At least 300 feet; and
- Setback for a Redevelopment Area: At least 1,000 feet.

The above combination of location restrictions and setbacks has left only approximately three potential future billboard sites along 50 East.

The proposed billboard location meets all the location and setback requirements for the placement of a billboard except for the section of street (highway) on which it is proposed. The applicant has submitted a Zoning Code Amendment application that would modify the code requirements for billboards to allow a billboard along the particular section of Highway 50 West, effectively limiting a potential billboard to the single parcel located at 800 Old Clear Creed Road (APN 9-302-09). This parcel is the only location on Highway 50 West in Carson City that meets all the other location requirements noted above. Other properties along Highway 50 West are either within 1,000 feet of the Redevelopment District (Costco parcel) or are within 300 feet of the Conservation Reserve or a residential zoning district. A Special Use Permit application (SUP-07-075) has been submitted for review concurrently with this application for the placement of a billboard at the proposed location.

The subject billboard location is a few hundred feet east of one of three existing billboards located on the south side of Highway 50 West in Douglas County on Washoe Tribe land. These three billboards are not considered for purposes of Title 18 because they are located outside of Carson City. Several existing billboards are located approximately 3/4-mile to one mile east of the subject location in the vicinity of the South Carson Street and Highway 50 West intersection in Carson City.

## **DISCUSSION:**

The key aspect of the Planning Commission's and Board of Supervisors' consideration of this application is weighing the aesthetic impacts versus the economic development impacts of a billboard at the specific location. Past discussions regarding signs along the future freeway corridor have been mixed between limiting future billboards altogether and allowing additional signage to promote tourism and other economic development activities with Carson City.

Prior to submitting the application, the applicant has signed an agreement with the Carson City Chamber of Commerce to allow the Chamber first right to lease the west-facing sign face (facing inbound traffic into Carson City) for \$1 per year for a term of 99 years if the Zoning Code Amendment and Special Use Permit are approved (see attached documents). While the content of the billboard space cannot be a condition of approval of the Zoning Code Amendment or the Special Use Permit (due to First Amendment free speech sign content issues), the Planning Commission and Board of Supervisors may consider the fact that the Chamber of Commerce would control the sign content in reviewing the applications.

Typically with billboards, there is no guarantee that the sign area will be used to promote businesses and services within Carson City. In fact, it is common that billboards are used to promote goods and services in other communities, especially billboards along major highways. However, with the applicant voluntarily offering and agreeing to allow the west-facing sign face to be used exclusively by the Carson City Chamber of Commerce, this creates a unique opportunity to create signage at a "gateway" into Carson City that exclusively promotes retail and tourism activities that benefit Carson City. The Carson City Chamber of Commerce, Convention and Visitors Bureau, and Carson City Business Development Department have submitted written support for the proposed billboard location.

There are several other existing billboards in the vicinity, with three to west on the south side of Highway 50 West (on Washoe Tribe land) and several in the vicinity of the intersection of South Carson Street and Highway 50 West (in Carson City). While it can be argued that a new billboard at the proposed location would create additional "sign clutter" in the area and create negative visual impacts in the area, it could also be argued that it is along a commercial corridor that is already impacted by such signs.

**PUBLIC COMMENTS:** Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of June 15, 2007, written comments have been received from the Carson City Business Development Department, Chamber of Commerce and Convention and Visitors Bureau in support of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

**OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:**

Written comments were received from the Fire Department stating no concerns with the request. No written comments from any other city department comments were received.

**LEGAL REQUIREMENTS:** CCMC 18.02.050 (Review); 18.02.075 (Zoning Code Amendments).

**FINDINGS:** Staff provides the following alternative findings for approval or denial pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments.

**For Approval:**

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Zoning Code Amendment is consistent with and promotes the following goals and policies of the Master Plan:

- **Goal 5.2, Promote Expansion of Retail Service Base**  
**Policy 5.2a, Encourage Regional Retail** – Work with local and regional economic development organizations, such as the Chamber of Commerce, on the development of a marketing strategy designed to attract national retailers to the community, particularly within the Downtown and where access is provided to the Carson City freeway.  
*Staff comment: The proposed billboard would allow the Carson City Chamber of Commerce to promote regional retail within the community at a key future freeway access point.*

- Policy 5.2c, Retail Leakage – Closely monitor the diversity of retail sales activity in the City and promote economic development activities which reduce retail leakages (sales occurring in surrounding communities rather than within Carson City).  
*Staff comment: The proposed billboard would allow the Carson City Chamber of Commerce to promote regional retail within the community and direct regional shoppers entering the area to retail and tourism facilities within Carson City, opportunities that may not otherwise be captured by shoppers heading to retail centers in Douglas County or continuing through to Reno on the future freeway.*
- Goal 5.4, Promote Tourism Activities  
Policy 5.4a, Heritage Tourism – Support tourism activities associated with the major historic resources within the community, such as the V&T Railroad, the various cultural institutions, and the State Capitol Complex.  
*Staff comment: The proposed billboard would allow the Carson City Chamber of Commerce to promote tourism activities within the Downtown and around the future V&T Railroad, which are not located along the future freeway, opportunities that may not otherwise be captured by tourist heading through the area.*
- Goal 5.6, Promote Downtown Revitalization  
Policy 5.6a, Downtown Revitalization – Encourage the redevelopment of underutilized properties and the renovation and re-use of vacant buildings in the Downtown core.  
*Staff comment: The proposed billboard would allow the Carson City Chamber of Commerce to promote retail and tourism activities within the Downtown, directing potential customer that may not otherwise be captured by shoppers or tourist heading through the area. Identifying the retail and tourism opportunities to travelers along the future freeway will be a critical strategy to attracting quality development to the Downtown.*

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Rationale: The proposed amendment would allow for a billboard that is along a commercial corridor and in the vicinity of other existing billboards. The proposed billboard location would be consistent with the character of the existing General Commercial zoning of the subject and adjacent parcels and provide for a use that is compatible with the commercial uses that would be allowed within that zoning district.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendment will have no impact on existing or planned public services or facilities in that a billboard would not generate the need for such services; and a potential billboard will not create any impacts that would negatively affect the public health, safety or welfare. The proposed amendment could have a benefit to the general public welfare in promoting tax-generating retail sales, which help pay for city services.

**For Denial:**

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Zoning Code Amendment is not consistent with is contrary to the following goals and policies of the Master Plan:

- **Goal 3.2, Protect Visual Resources**  
**Policy 3.2d, Carson City Freeway Corridor** – Establish and maintain signage controls for the Carson City Freeway corridor prior to completion of construction to establish the height, type, size and quantity of signs that will be permitted for future development.  
*Staff comment: The proposed billboard would create an additional visual impediment to the visual resources of the Sierra Nevada Mountains as viewed heading west and create additional "sign clutter" in the vicinity.*
2. ***The proposed amendment will not provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

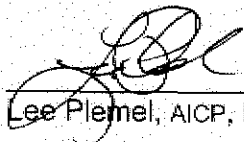
Rationale: The proposed amendment would allow for a billboard that is incompatible with and creates negative impacts to other commercial and non-commercial properties in the vicinity, including visual clutter and impairment of visual resources in the area.

Attachments:

- 1) City Department comments
- 2) Draft ordinance
- 3) Public comments

Respectfully submitted,

PLANNING DIVISION



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Lee Plemel, AICP, Principal Planner



# CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL  
DEVELOPMENT SERVICES



## Carson City Development Engineering Planning Commission Report ZCA-07-074

**TO:** Planning Commission

**FROM:** Tom Grundy, Development Engineering *TC*

**DATE:** June 12, 2007      **MEETING DATE:** June 27, 2007

**SUBJECT TITLE:** Request to amendment the zoning ordinance to allow change of code for billboards.

### RECOMMENDATION:

Development Engineering has no objection to the request.

### DISCUSSION:

Development Engineering has reviewed the request within our areas of purview relative to adopted standards and practices and to the provisions of C.C.M.C. The following discussion is offered.

If approved, billboard requests would be reviewed relative to their conflicts with any Engineering Master Plans for streets or storm drainage, effects on any traffic or pedestrian facilities or issues, and impacts to public services.

ENGINEERING DIVISION • 2621 Northgate Lane, Suite 54 • Carson City, Nevada 89706  
Phone: (775) 887-2300 Fax: (775) 887-2283 E-mail: engdiv@ci.carson-city.nv.us

## MEMORANDUM

**TO:** Community Development

**FROM:** Stacey Giomi, Fire Chief

**DATE:** June 15, 2007

**SUBJECT:** AGENDA ITEMS FOR JUNE 27, 2007 PLANNING COMMISSION MEETING

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We reviewed the agenda items for the June 27, 2007 Planning Commission Meeting and have the following comments:

- SUP-04-090 Granite Construction Co. We have no objections to the applicant's request.
- SUP-05-089 Helaine Jesse, W.N.C.C., Board of Regents, U.N.R. Please see previous comments.
- SUP-05-011a Richard Reviglio, Three R's LLC Please see previous comments.
- SUP-07-059 Custom Sign, Carson Gaming, LLC We have no concerns with the applicant's request for increased signage.
- ZCA-07-074 Rogers Media Co. We have no concerns with the applicant's request.
- SUP-07-075 Bill Zugler, Rogers Medica Co/Matt Rogers We have no concerns with the applicant's request
- SUP-07-076 Audra Miller, Lumos & Assoc., Long St. Assisted Living LLC The applicant will be required to comply with all codes and ordinances as they relate to this request.
- ZMA 07-077 Eagle Tech, Western Engineering We have no concerns with the applicant's request for zone change.

SG/11b



ZCA-07-074  
SUP-07-075

Office of Business Development  
201 North Carson Street, Suite 2 | Carson City, Nevada 89701

Date: June 15, 2007

To: Carson City Planning Commission

From: Joe McCarthy, Economic Development & Redevelopment Manager

On behalf of Carson City's Office of Business Development, we solidly support and endorse the request by Rogers Media application for a permit to implement the use of a billboard at our southern gateway. This billboard will benefit our community in a myriad of ways: branding, way-finding and business development, just to name a few.

Successful community branding requires a varied portfolio of marketing and public relations techniques coupled with creative media that ensures a low-cost and effective awareness campaign. For example, a well-designed billboard showcases an effective brand with the expressed intent to stimulate impulse decisions from travelers who might otherwise drive past our town. An effective billboard public awareness campaign will focus on name recognition, the most integral part of successful community branding. This type of billboard will have the potential to initiate consumer-driven demand that benefits both our economic stability and long-term fiscal health.

The Carson City Area Chamber of Commerce will lease the billboard at a rate of \$1.00 per year for 99 years. Now that the contract has been signed, the Chamber's intent is to allow the Office of Business Development and the Convention and Visitors' Bureau to use the space to effectively position and communicate their messages. This outdoor medium will add clarity to our branding focus, build community consensus on economic development and tourism efforts, induce sales and entice consumers.

June 5, 2007

Carson City Planning Commission  
Carson City Board of Supervisors

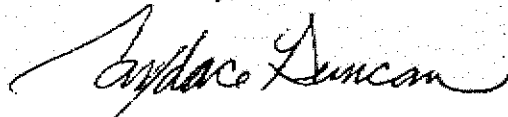
The Carson City Convention & Visitor Bureau would like to lend its support to the proposed outdoor sign that has been offered to the Carson City Chamber of Commerce by Rogers Media.

This will be an excellent opportunity to advertise historic Carson City to the thousands of potential visitors who will be traveling on Highway 50 from Lake Tahoe.

As we proceed in developing Carson City's tourism brand, this billboard will help reinforce our message and provide an outlet for The Chamber, Convention and Visitors Bureau and Redevelopment to work together.

Please feel free to contact me if you wish to discuss this further.

Sincerely,



Candace Duncan  
Executive Director





1900 South Carson Street  
Carson City, Nevada 89701  
Telephone (775) 882-1565  
FAX (775) 882-4179  
E-Mail: ccchamber@Semp.net  
www.carsoncitychamber.com

May 7, 2007

Mr. Matt Rogers, President  
Rogers Media Company  
4116 El Macero Drive  
Davis, CA 95616

Dear Mr. Rogers:

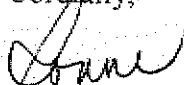
Thank you for meeting with me to outline the details of the proposed outdoor advertising sign at 800 Clear Creek Road and more specifically, the opportunity for the Chamber to advertise on the sign at \$1.00 per year for the next 99 years. Needless to say, this is an opportunity I cannot turn down.

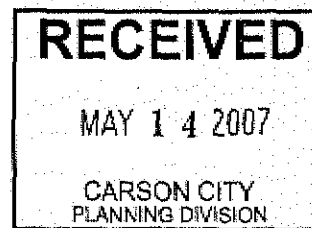
It is with pleasure that I support your petition for a Special Use permit for the outdoor sign along with the Special Plan Amendment.

We will enter into an agreement with Rogers Media Company to provide to the Chamber free advertising on the proposed billboard along with free production costs for the term of 99 years on the west face of the said billboard. We will work closely with your art department to determine the content to be placed on the west face. This project is to be a partnership between the Chamber and Rogers Media Company only.

Again, thank you for providing us with this opportunity.

Cordially,

  
Ms. Ronni Hannaman  
Executive Director



SUP - 07 - 075

ZCA-07-074  
SUP-07-075



### Contract for Outdoor Bulletin Advertising

Advertiser: Carson City Chamber of Commerce  
Address: 1900 South Carson Street, Ste. 200  
City/State/Zip: Carson City, NV 89701  
Contact: Ronni Hannaman  
Phone #: 775-882-1565

Advertiser/Product:

Advertiser agrees to purchase the advertising display located on US Highway 50, One Mile West of Highway 395 Junction, South Line, One of three West Facing tri-vision Signs for Westbound traffic, sign located in Carson City, Nevada. The size of the display is 10' x 40' and is permitted to all local, and state governmental standards.

The contract period will be for a term of Ninety-Nine years, commencing upon construction of said sign and continuing thereafter. The yearly rate will be \$1.00 net per year. The total contract commitment for the entire period due to RMC is \$99.00.

Advertiser has first right of refusal on renewal of said contract. Advertiser must inform RMC sixty (60) days prior to end of contract if Advertiser wishes to continue on said unit. At the time of this renewal RMC shall deliver new said rate to Advertiser in a timely fashion.

This contract is non-cancellable and binds all assigns. This is the entire contract and no verbal warranties will be honored. All rates and adjustments to such shall be computed on a basis of thirty (30) days to a month. This contract is non cancelable and binds the undersigned party to such and the heirs and or assigns of said company.

If the advertising or sale of the product or services to be advertised under this contract is prohibited by law of governmental regulation, this contract shall terminate as of the effective date of such law or regulation. RMC may terminate this contract at will if it does not receive timely payments or billings, or if the clients credit in RMC's reasonable opinion is impaired.

Advertiser agrees to indemnify RMC and hold RMC harmless as a result of any and all liability stemming from the content of advertisers message on RMC's sign units.

All displays are illuminated from dusk until midnight every night and are illuminated to OAAA standards This contract does not include the initial production . RMC agrees to handle production during the term of this contract, which is equal to one vinyl per year of every year of said contract. If further changes are needed the charge will be \$600.00 for

vinyl and installation. This charge may rise at no more than 3% per year. This display does not extensions.

Advertiser: X Rennaman  
Name: Ronn Hannaman  
Title: Executive Director  
Date: 5/30/07

RMC: X [Signature]  
Mr. Matt Rogers  
President & Owner  
Date: 5/30/07

RECEIVED

Carson City Planning Division  
2621 Northgate Lane, Suite 62 · Carson City NV 89706  
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

For Office Use Only:

MAY 14 2007

ZONING ORDINANCE AMENDMENT  
CARSON CITY  
PLANNING DIVISION

FILE # ZCA-07-074

Fee: \$500.00

- Application Form
- 24 Completed Application Packets
- (1 Original + 23 Copies)
- Fee

APPLICANT

ROBENS MEDIA COMPANY

MAILING ADDRESS, CITY, STATE, ZIP

4116 EL MALENO DR. PAIS, CA 95618

PHONE #

530-304-5770

FAX #

530-747-0538

E-MAIL ADDRESS

MATT@ROBENS MEDIA COMPANY.COM

Application Reviewed and Received By:

Commission Action:

Board Action:

Submittal deadline: see attached 2006 PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

Requested Amendment to Development Standards: \_\_\_\_\_ or Title 18 18.16, 4.8.3

TO MODIFY THE BILLBOARD STANDARDS OF DIVISION 4.8.3. TO ALLOW A BILLBOARD ON THE SOUTH SIDE OF HIGHWAY 50 WEST FROM THE DOUGLAS COUNTY LINE TO ONE EIGHTH OF A MILE EAST OF

Required Findings: Title 18 of the Carson City Municipal Code (CCMC) requires that the applicant must present evidence justifying the revision to the Code, that the proposed addition/deletion will be consistent with the objectives of the Master Plan and will not be detrimental to the surrounding properties. A statement relative to findings from Page 2 MUST be included herewith, or on an attached sheet.

Please remember that the requested code revision will affect all of Carson City and not only your parcel of land. Present your statement with that in mind.

MODIFICATION CONTINUED.

THAT POINT WITHIN SECTION 31 OF T.15 N., R.20E.

FOR STATEMENT PLEASE SEE EXHIBIT A

ACKNOWLEDGMENT OF APPLICANT:

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

*Matt R*

Applicant's Signature

5/31/07

Date

## Exhibit A

**Question 1) How will the Zoning Code Amendment be in substantial compliance with and support the goals and policies of the Master Plan?**

**This Amendment is in substantial compliance with and supports the goals and policies of the Master Plan for improving the health and welfare of the citizens of Carson City. The Master Plan for the City is codified to charter a course so that every Amendment submitted furthers that goal. It meets or exceeds all requirements for such a project, and truly furthers the standard of living in Carson City.**

**Even though this Amendment would allow for a new outdoor advertising sign to be placed on Highway 50 West, it certainly can be said it will not be an addition of visual clutter. This Amendment would allow for a sign in this area which could be used for a message, that the Chamber of Commerce could use to promote the City. This will be a key in the Gateway of the City to enhance the City's image as a center of commerce, recreation, and the Capital of Nevada.**

**This new area that would allow off site signage would improve the commercial, industrial, and residential diversification of the local economy by allowing the promotion of business and industry that would never have a chance of promoting themselves to the motoring public in this area. This becomes even more of a key with the impending bypass in this area as it will be key to get the public off the roadway and into Carson City to enjoy and enhance the downtown core.**

**Chapter 3: Seek to establish a balance of land uses within the community by providing employment opportunities, a diverse choice of housing, recreational opportunities, and retail services.**

**This Zoning Code Amendment permit would promote land use patterns that promote the use and availability of public facility and services by alerting motorists coming into the market via Highway 50 from South Lake Tahoe. By allowing a new outdoor advertising signs in this corridor as an amendment to the current sign ordinance and with the backing of the Carson City Chamber of Commerce it would seek to promote programs of Historical significance that are important to the vitality of the Downtown core business center. It will improve the quality of life in**

this core by allowing businesses to advertise goods and services sold prior to the motorist using the new Highway 395 Bypass.

**This Amendment meets the requirements of this section based on the environmental facts such as it does impact the use any water, it protects existing vegetation, it is sited outside of primary floodplains and away from geological hazard areas.**

I

#### **Chapter 4**

**This chapter is not applicable to this project.**

#### **Chapter 5, Economic Vitality**

**This Zoning Code Amendment would allow the use of signs in this area. If it is approved it will allow the use of such signs to promote key interests for the City. This is particularly important due to the impending bypass of Highway 395 at the south end of the City. It will promote business downtown 24 hours a day, 365 days a year. This will diversify the revenue stream into public and private coffers and promote and enhance the diversification of the local economy. This is also a key attribute in getting the public to recognize the Downtown core and promoting it as such.**

#### **Chapter 6, Promote safe attractive and diverse neighborhoods, compact mixed use activity centers, and a vibrant, pedestrian friendly Downtown.**

**The building materials used for projects in regard to this Amendment should be built for a ninety-nine year durability index and incorporate the natural colors of the Nevada landscape in chocolate and light browns. The Amendment should provide for opportunities to create visual interests at a key Gateway to the City.**

**If this Amendment is approved it would allow the Chamber of Commerce to promote to the passing motorist on Highway 50 West, the quality of life will be enhanced from a commercial application, and a design application. From the commercial viewpoint Downtown and key historic sites are vital to Carson City's image and economy. This Zoning Code Amendment would allow a project that would promote a message to be installed prior to motorists bypassing the chance to**

*be aware of these opportunities in the marketplace. The design of the City shall be enhanced as this new area with a new sign shall showcase the spirit and vitality the City has to offer. On both a short term and long term basis it will pay huge dividends to the City in greater sales tax generated, downtown core business vitality, and enhanced image of the City in general.*

**Chapter 7, Promote a sense of Community by linking its many neighborhoods, employment areas, activity centers, parks, recreational centers, and schools with an extensive system of interconnected roadways, multi-use pathways, bike facilities, and sidewalks.**

**This Zoning code amendment would promote travel patterns that will direct traffic off Highway 50 to the Downtown business core. This Amendment is certainly a key for the transportation pattern and flow into the future of the City. By promoting Carson City's key assets to the motorist it furthers the goal for an efficient well planned transportation model.**

**Question 2) Will the effect of the proposed Zoning Code Amendment provide for land uses compatible with existing land uses and will not have a detrimental impact to other properties in the vicinity?**

**The uses of land in the area the Zoning Code Amendment covers are all commercial in nature. There are similar signs already in place in Douglas County right on the western boundary of Carson City on the southerly side of Highway 50. This would have no detrimental impact to those properties or any properties in the greater vicinity. The visual impact would be consistent with signage already present in the area.**

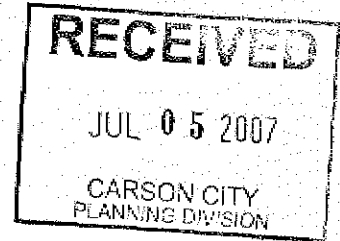
**The Zoning code Amendment that would allow signage in this area will produce no dust, odor, vibration, fume, glare (sign lights glare will not extend beyond boundary of proposed property), or physical activity, or additional traffic or hardship for any neighbor. There are no new traffic lights or walkways needed. This Amendment would allow signs which are similar to uses on the property to the west and will cause no ill effect to any property as it is consistent with the current uses. This Amendment will benefit the people of Carson City by allowing signage in the area, providing motorists information about cultural events that the Carson City Chamber of Commerce will be promoting.**

**Question 3) Will the Proposed Amendment negatively impact existing or planned public services or facilities? Will the Amendment adversely impact the public health, safety or welfare?**

**This Amendment if approved will not affect the School District, student population, Sheriff's Department, Fire Department, Sewer System, Drainage, or Water utilities.**

**There are no improvements needed to accommodate this Amendment from a roadways aspect. This amendment if approved will have no negative impact in any area mentioned in this question.**





July 3, 2007

Mr. Walter A. Sullivan  
Planning Division Director  
2621 Northgate Lane, Suite 82  
Carson City, NV 89708

Dear Mr. Sullivan,

We submit this letter as an appeal of the Carson City Planning Commission's denial of our application for a Zoning Code Amendment, ZCA-07-074. An ordinance amending Division 4.8.3 of the Sign Ordinance to allow the placement of a billboard at a specific location on the south side of Highway 50 West, approximately ¼ mile west of South Carson Street, where billboards are currently prohibited.

We respectfully request to have this item heard on August 16, 2007. We await your reply

Sincerely,

Matt Rogers  
President

4116 EL MACERO DR. / DAVIS / CA / 95616  
(530) 304-5770 / FAX (530) 747-0538  
MATT@ROGERSMEDIACOMPANY.COM  
WWW.ROGERSMEDIACOMPANY.COM

## CARSON CITY PLANNING COMMISSION

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regard to large signs. In response to a question, Mr. Foley noted the commercial regional center designation of the property. He explained that if the subject properties were all separate, they would each be entitled to 600 square feet in signage. A special use permit would be required for additional signage, and Mr. Foley reviewed examples throughout town. Discussion followed, and Vice Chairperson Kimbrough expressed concern over signage for the parking garage structure. Mr. Lipkowitz noted the existing banner which will be the same size as proposed signage, but illuminated. He reiterated the directional nature of the signage, and discussion followed with regard to the size of the proposed signage. Commissioner Mullet reiterated concern over the size. Mr. Lipkowitz discussed the importance of signage along Carson Street, particularly once the freeway is completed. Commissioner Mullet commended the project, and expressed the opinion that the property "advertises itself." Vice Chairperson Kimbrough commended Mr. Lipkowitz on his presentation.

Chairperson Peery entertained a motion. Commissioner Semmens moved to approve SUP-07-059, a special use permit application from Custom Sign and Crane, LLC, to allow the following provisions for signage at a regional / commercial center for Casino Fandango items 1, 2, and 3, regarding changing all the signage for the casino. Commissioner Reynolds seconded the motion. Mr. Sullivan requested Commissioner Semmens to amend his motion to include the fourth paragraph of the recommended action. Commissioner Semmens amended his motion to include the following language: all of which are located on property zoned general commercial and multi-family apartment, located at 4000 South Curry Street and 3800 South Carson Street, APNs 009-153-05, -17 and -18, and 009-151-58, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Reynolds continued his second. In response to a question, Mr. Sullivan advised that any new signage proposed for the cinema would require commission review. He provided an overview of and background information on the application. Chairperson Peery called for a vote on the pending motion. Motion carried 5-2.

**\* H-3. ZCA-07-074 ACTION TO CONSIDER A ZONING CODE AMENDMENT APPLICATION FROM ROGERS MEDIA COMPANY TO RECOMMEND TO THE BOARD OF SUPERVISORS AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.8, REQUIREMENTS FOR BILLBOARDS AND OFF-PREMISE SIGNS, SUBSECTION 4.8.3, TO ALLOW A BILLBOARD TO BE PLACED ON THE SOUTH SIDE OF HIGHWAY 50 WEST ALONG A SECTION OF HIGHWAY APPROXIMATELY 3/4 MILE WEST OF SOUTH CARSON STREET WHERE BILLBOARDS ARE CURRENTLY PROHIBITED, ALLOWING A BILLBOARD TO BE PLACED AT 800 OLD CLEAR CREEK ROAD (4:22:44) -**  
Chairperson Peery introduced this item, and Mr. Sullivan provided background information. Mr. Plemel reviewed the staff report in conjunction with pertinent slides. He noted the special use permit application for a specific billboard as agendized at item H-4. He advised of having received no comment as a result of the public noticing process. He noted the letters of support, included in the agenda materials, and the two motions in the staff report.

In response to a comment, Mr. Plemel advised that the 1,000 foot setback is pertinent to surrounding billboards. In response to a question, he advised that the 1,000 foot setback would not be pertinent to billboards in adjacent counties. He estimated the proposed location is 500 feet from a billboard located in Douglas County. He advised that the billboard meets Nevada Department of Transportation setback requirements. Mr. Sullivan reiterated that the Carson City sign ordinance is not pertinent to other counties.

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(4:38:32) Matt Rogers, of Rogers Media Company, acknowledged having reviewed the staff report and his agreement with the same. He advised that the separation between the proposed billboard location and a billboard sign in the next county is 478 feet. He provided background information on the proposal, and advised that a key facet of the project is completion of the freeway bypass. The westerly face of the sign, coming from Lake Tahoe, being dedicated to the Carson City Area Chamber of Commerce "is a lifetime commitment" made by the company for direction from the freeway "to all the services and amenities downtown" and throughout Carson City. He acknowledged possible difficulties associated with requesting a zoning code amendment, but noted the benefit of directing traffic into Carson City's downtown core.

Chairperson Peery opened this item to public comment. (4:42:01) Carson City Area Chamber of Commerce Executive Director Ronni Hannaman provided background information on the proposal. She discussed concerns associated with the freeway bypassing Carson City. She noted that the sign will benefit all City business owners and proprietors. She expressed the opinion that the proposed zoning code amendment represents a "win-win situation for Carson City, for the Chamber, for the Visitors Bureau, and for all of the downtown businesses." In response to a question, she advised that the proposed billboard sign would serve as gateway signage for Carson City. In response to a further question, she described the signage design.

Carson City Business Development Director Joe McCarthy provided background information on the proposed zoning code amendment and the proposed billboard. He expressed support for the zoning code amendment.

Commissioner Mullet expressed opposition to billboards in general, and the opinion that the subject billboard is no different than any other. He suggested that once the branding / logo process is complete, the proposal would be more palatable. Mr. McCarthy advised of not having been aware of the subject opportunity as of six months ago. He acknowledged the importance of managing clutter, and that billboards have that reputation. He expressed the opinion that the proposal represents an alternative to the particular space that will be "visually attractive and a celebration of what's special about Carson." Commissioner Semmens expressed opposition to billboards in general, and concern over amending the code to which the commission has adhered "throughout the years regarding billboards." He expressed agreement with Commissioner Mullet's comments, and the opinion the billboard will represent "another piece of clutter." He agreed with the importance of directing people to the downtown corridor, but expressed the opinion that the freeway should be first completed prior to considering a billboard in the proposed location. Chairperson Peery expressed concern over establishing a precedent "as well as the blight that it would add to in terms of comparatives to other billboards." Commissioner Reynolds noted the various arguments against billboards during his service as a Planning Commissioner. He advised of having participated in many meetings regarding the freeway bypass, as a Regional Transportation Commissioner, and discussed the number one concern of business owners and proprietors that it will be "a pipeline for traffic to Reno." He reviewed NDOT signage regulations for along the freeway. He advised of having considered the proposal, and suggested the proposed billboard "might be the one thing ... that might help direct a certain percentage of traffic to the downtown and ... Carson Street." He commended the media company on the proposal which helps the community. He suggested considering the proposal in that there are no other places in town, other than Highway 50, where billboards are allowed. He expressed the opinion that the proposed signage is needed at this time.

Mr. Oueilhe cautioned the commissioners that amending the sign ordinance, based on the content of the proposed billboard sign or the presentations could be considered arbitrary and capricious. He responded to questions of clarification. Mr. Sullivan noted three billboard sites in Douglas County, and reiterated that the 1,000-foot setback applies only internally to Carson City. He acknowledged that the Carson City

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Municipal Code currently prohibits construction of a sign in the proposed location. The proposed amendment would "make that one site legal." In response to a question, Mr. Sullivan advised that any additional proposal would require an additional code amendment. He acknowledged that the existing sign pilings in no way imply a grandfather situation.

In response to a question, Mr. Oueilhe acknowledged the quandary associated with approving a billboard sign so close to the county line in that Carson City has no jurisdiction over the adjacent county. In response to a further question, he explained the plain language of the ordinance indicates no billboard shall be placed within 1,000 feet of another billboard.

Chairperson Peery called for additional public comment. (5:07:02) Jed Block acknowledged difficulties experienced by small business owners in the downtown area. He expressed concern regarding vacant buildings, and support for a sign which would promote tourism and business patronage in Carson City. He requested the commissioners to keep in mind that the proposed signage would serve merchants in Carson City. He agreed "billboards are ugly," but suggested that proper use of billboards may be better than vacant buildings. Commissioner Semmens discussed changes which are usually brought about by construction of freeway corridors. Mr. Block noted the great opportunity represented by the proposal.

(5:12:47) George Wendell expressed agreement with the comments presented by Ms. Hannaman and Mr. McCarthy. He advised of having resided in Carson City most of his life. He strongly suggested that the commissioners set aside their personal opinions about billboards and consider the proposal as a "tremendous communication tool." He discussed Carson City's quality of life, and noted strong objections, by business owners, to the freeway bypass over the years because of concerns that it will divert commerce away from Carson City to Reno. He suggested the subject proposal represented an opportunity to make a "minor adjustment to an ordinance ... allowing the development of a communication tool directing the general public, tourists, into Carson City." He referred again to Ms. Hannaman's and Mr. McCarthy's comments, and reiterated the importance of quality of life, development, and redevelopment in Carson City. He reiterated the opinion that the proposed amendment represents a "minor adjustment for something that has the potential of really affecting the quality of life in Carson City."

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments, questions, or a motion of the commissioners. Vice Chairperson Kimbrough commented "this is one of the most creative things I've ever seen from a sign company to sit in here and change the whole debate over an amendment to us not liking the City or not wanting the City to prosper." He expressed the opinion that Mr. McCarthy "has a lot of talent, a lot of creativity, and ... they can think of a better way than bringing a billboard in front of this group and that method that makes us feel like we're kicking the puppy again." He advised that the commission has nothing against downtown, and acknowledged the importance of bringing more traffic downtown. He further advised of having dealt with the "billboard issue" since the beginning of his commission service. He expressed concern that the subject proposal represents "no end" to the potential for billboards in Carson City. He discussed comments from Scenic America representatives regarding the three billboard signs along Highway 50 West. He expressed opposition to the proposed amendment.

Commissioner Mullet expressed concern over lost opportunities, referring as an example to the former V&T roundabout on Stewart Street. He agreed with the importance of directing commerce to the downtown. He expressed concern over "changing the rules again," and agreed with previous comments that the commission had been assured there were a limited number of remaining billboard sites. He expressed support for downtown businesses. Commissioner Semmens discussed the number of Douglas

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County residents who travel through Carson City each day on the way to work in Reno. Chairperson Peery reiterated concern over "setting a curious precedent" and expressed additional concern that the subject amendment "smacks of spot zoning." He entertained a motion. Commissioner Semmens moved to recommend to the Board of Supervisors denial of ZCA-07-074, an ordinance amending the Carson City Municipal Code to allow a billboard to be placed on the south side of Highway 50 along a section of highway approximately 3/4 mile west of South Carson Street, based upon the findings for denial contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 6-1.

\* H-4. SUP-07-075 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM ROGERS MEDIA COMPANY (PROPERTY OWNER: WILLIAM KUGLER) TO ALLOW A BILLBOARD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 800 OLD CLEAR CREEK ROAD, APN 009-302-09 (5:22:44) - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report, noted the condition requiring approval of the zoning code amendment, and the findings for denial.

(5:24:38) In response to a question, Mr. Rogers expressed agreement with the staff report and disagreement with the commission's action on the last item. In response to a question, Mr. Sullivan explained the appeal procedures to Mr. Rogers. Mr. Rogers expressed appreciation for Vice Chairperson Kimbrough's comments regarding the applicant's creativity. He advised that "Scenic America is not exactly the most friendly group toward outdoor advertising." Mr. Oueilhe cautioned the commission against straying from the agenda item.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Commissioner Semmens moved to deny SUP-07-075, a special use permit application from Rogers Media Company, property owner William Kugler, to allow a billboard, on property zoned general commercial, located at 800 Old Clear Creek Road, APN 009-302-09, based on the findings for denial contained in the staff report and the previous item's staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0. Mr. Sullivan reiterated the appeal procedures. Chairperson Peery recessed the meeting at 5:30 p.m. and reconvened at 5:41 p.m.

H-5. VAR-07-053 ACTION TO CONSIDER AN APPLICATION FOR A VARIANCE FROM DARRYL HARRIS, OF RESOURCE CONCEPTS, INC. (PROPERTY OWNER: BRINSON, BETTY REVOCABLE TRUST), TO VARY THE REQUIRED MINIMUM FRONT AND REAR SETBACKS FROM 20 FEET TO 10 FEET FOR EXISTING STRUCTURES IN ORDER FOR THE APPLICANT TO DIVIDE THE PARCEL INTO THREE PARCELS, ON PROPERTY ZONED RESIDENTIAL OFFICE (RO), LOCATED AT 920 NORTH MINNESOTA STREET, APN 001-201-03 (5:41:31) - Chairperson Peery introduced this item. Ms. Pruitt advised that the applicant had submitted a written request for continuance, and had paid the required fee. Planning Division staff will meet with the applicant and the property owner this week to discuss the matter further.

Chairperson Peery called for the applicant; however, the applicant was not present. He opened this item to public comment and, when none was forthcoming, entertained comments, questions, or a motion of the commissioners. Commissioner Semmens moved to continue item H-5, VAR-07-053, to the July commission meeting. Commissioner Reynolds seconded the motion. Motion carried 7-0.