

Item # 4

**City of Carson City
Agenda Report**

Date Submitted: January 8, 2008

Agenda Date Requested: January 17, 2008
Time Requested 10 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to adopt Resolution No. _____ approving a moratorium on the acceptance and processing of applications for any freestanding sign that exceeds the maximum permitted sign height or sign area, and that is designed to be visible from at least one direction of the Carson City Freeway, including future freeway phases, for a period of 120 days. (File MISC-07-187)

Staff Summary: The purpose of the moratorium is to allow time for the Planning Commission and staff to amend Title 18 and the Development Standards of the Carson City Municipal Code by developing comprehensive criteria for the review of freeway-oriented signs. This moratorium could affect applications for such signs on commercial and industrial properties along the freeway.

Type of Action Requested:

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to adopt Resolution No. _____ approving a moratorium on the acceptance and processing of applications for any freestanding sign that exceeds the maximum permitted sign height or sign area and that is designed to be visible from at least one direction of the Carson City Freeway, including future freeway phases, for a period of 120 days, based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Planning Commission has expressed a desire to develop comprehensive sign criteria for commercial signs along the freeway before additional special use permit applications for increased signage are submitted and reviewed. There are presently no specific criteria for commercial signs along the freeway.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.120 (Moratorium).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Deny the moratorium and allow the continued submittal of Special Use Permit applications for increased signage along the freeway; or 2) modify the length of the moratorium to anywhere between 90 and 180 days.

Supporting Material:

- 1) Board Resolution
- 2) Staff memo to Planning Commission
- 3) Planning Commission Resolution

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By:

(Walter Sullivan, Planning Director)

Date: 7-03-0

(Larry Werner, Development Services Director/City Engineer)

Date: 1-08-05

(Linda Ritter, City Manager)

Date: 1-8-08

Melanie Bunkert
(District Attorney's Office)

Date: 1-10-08

Board Action Taken:

Motion:

1)

Aye/Nay

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

2)

1000

— 1 —

(Vote Recorded By)

RESOLUTION NO. 2008-R-

**A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS
DECLARING A MORATORIUM ON THE ACCEPTANCE AND
PROCESSING OF APPLICATIONS FOR ANY FREESTANDING SIGN
THAT EXCEEDS THE MAXIMUM PERMITTED SIGN HEIGHT OR SIGN
AREA AND THAT IS DESIGNED TO BE VISIBLE FROM AT LEAST
ONE DIRECTION OF THE CARSON CITY FREEWAY, INCLUDING
FUTURE FREEWAY PHASES, FOR A PERIOD OF 120 DAYS.**

WHEREAS, the Carson City Municipal Code Section 18.02.120 establishes the moratorium process for matters related to planning, zoning and land uses issues; and

WHEREAS, the Board of Supervisors intends to make possible revisions to the applicable sections of Title 18 related to commercial signs to establish standards for signs along the freeway pursuant to the goals, policies and action plan of the adopted Master Plan; and

WHEREAS, the City has reviewed Special Use Permits for two freeway-oriented freestanding signs, anticipates applications for additional freeway-oriented signs and desires to establish comprehensive criteria for the review of such signs; and

WHEREAS, the Board of Supervisors finds that the moratorium is necessary to promote the health, safety and welfare of properties along the freeway and motorists, that the moratorium is necessary to permit the City to focus on the effective and efficient preparation of a possible amendment to the sign ordinance, and that the moratorium is necessary because continued sign development along the freeway during the moratorium period would possibly result in signs that would conflict with the sign ordinance amendments; and

WHEREAS, on January 4, 2008, the Planning Commission held a public hearing, obtained public testimony, duly considered recommendations and findings for the proposed moratorium and recommended the moratorium to the Board of Supervisors by a vote of 6-0 (1 absent).

WHEREAS, the Board of Supervisors has given proper notice of the proposed amendment in accordance with the provisions of Carson City Municipal Code 18.02.120 and is in conformance with City and State legal requirements; and

WHEREAS, on January 17, 2008, the Board of Supervisors held a public hearing, obtained public testimony and duly considered recommendations and findings for the proposed moratorium.

NOW, THEREFORE, the Board of Supervisors hereby resolves to declare a moratorium on the acceptance and processing of applications for any freestanding sign that exceeds the maximum permitted sign height or sign area and that is designed to be

visible from at least one direction of the Carson City freeway, including future freeway phases, for a period of 120 days from the effective date of this resolution.

ADOPTED this 17th day of January, 2008.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

MARV TEIXEIRA, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

MEMORANDUM

TO: Planning Commission

FROM: Planning Division *JP*

DATE: January 4, 2008

SUBJECT: MISC-07-187 – Freeway-Oriented Freestanding Sign Moratorium

RECOMMENDED MOTION: I move to adopt Resolution 2008-PC-1 recommending to the Board of Supervisors a moratorium on the acceptance and processing of applications for any freestanding sign that exceeds the maximum permitted sign height or sign area and that is designed to be visible from at least one direction of the Carson City freeway, including future freeway phases, for a period of 120 days, based on the findings contained in the staff report.

PURPOSE AND BACKGROUND

The purpose of the proposed moratorium is to allow time for the Planning Commission and staff to review possible amendments to the sign ordinance (Title 18, Development Standards Division 4) by developing comprehensive criteria for the review of signs along the freeway, including possible regulations relating to location, height, sign area and number of signs.

Pursuant to the Carson City Municipal Code (CCMC) Section 18.02.120, the Planning Commission may initiate a moratorium by recommendation to the Board of Supervisors. A recommendation to declare a moratorium requires a two-thirds vote of the total membership of the Planning Commission (5 votes). A moratorium must be in effect for a period of no less than 90 days and no more than 180 days.

The Planning Commission discussed possible freeway-oriented sign regulations at meetings in July and October 2006 after staff had worked with a Chamber of Commerce committee to examine the issues. As a result of those meetings, the Planning Commission recommended to take no action on the sign ordinance in order to, among other things, evaluate how the freeway would impact Special Use Permit requests for signs. There were not yet any Special Use Permits submitted for such signs as of the time of these prior discussions.

DISCUSSION

Staff is bringing this matter to the Planning Commission based upon the results of recent applications for signs along the freeway, in which the Planning Commission did not approve the signs as proposed by reducing their heights, and based upon Commissioner comments. There appears to be a desire among the Commission to "revisit" the issue of developing comprehensive standards for signs along the freeway, and it would be prudent to implement the moratorium as staff anticipates at least one additional application for such a sign being submitted within the next few months.

Staff is recommending a moratorium of 120 days from its effective date after approval by the Board of Supervisors. If the Board approves the moratorium at its January 17, 2008 meeting,

the moratorium would be in effect until mid-May 2008. Staff anticipates bringing a discussion item to the Planning Commission in January or February regarding freeway-oriented signs and a draft ordinance to the Commission in February or March 2008. If an ordinance is recommended by the Commission in February, the final ordinance could be adopted by the Board of Supervisors as early as April 2008, allowing applications for new freeway-oriented signs to be submitted prior to the anticipated 120 day expiration. However, additional discussions and time may be required to develop the comprehensive standards that need to address a wide range of interests.

FINDINGS

The following findings are required and recommended by staff in approving the proposed moratorium pursuant to CCMC 18.02.120 (Moratorium).

1. *The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration.*

Rationale: The proposed moratorium furthers the purpose of the sign ordinance, which, in part, is "to provide minimum standards to safeguard life, health, property and public welfare." The moratorium will allow time to develop comprehensive standards for signs along the freeway pursuant to the Carson City Master Plan, Action Plan Implementation Strategy 3.2d, which was identified as a top priority Master Plan implementation strategy. The moratorium is in the interest of the health, safety and welfare of freeway motorists and to protect property values along freeway corridor and citywide.

2. *The moratorium is necessary to permit the staff, Commission, Board and public to focus on the efficient and effective preparation of an amendment to the Zoning Ordinance (Title 18).*

Rationale: Staff anticipates that applications for freeway-oriented signs could be submitted within the next 120 days. Without specific review standards in place, staff and the Planning Commission will continue to struggle with reviewing signs in an objective manner, and reviewing Special Use Permits for freeway-oriented signs concurrently with developing new sign standards could distract from the focus of creating all-inclusive, objective standards.

3. *The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the amendment.*

Rationale: The two Special Use Permits for freeway-oriented signs that have been reviewed by the Planning Commission have each not met the Commission's satisfaction, as submitted. With no standards presently in place specifically for freeway-oriented signs, it is likely that any signs that were requested prior to the adoption of new standards would not conform with the standards that would ultimately be adopted.

If you have any questions, please contact Walter Sullivan, Planning Director, or Lee Plemel, Principal Planner, at 887-2180.

Attachments:

A) Resolution 2008-PC-1

RESOLUTION 2008-PC-1

A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ANY FREESTANDING SIGN THAT EXCEEDS THE MAXIMUM PERMITTED SIGN HEIGHT OR SIGN AREA AND THAT IS DESIGNED TO BE VISIBLE FROM AT LEAST ONE DIRECTION OF THE CARSON CITY FREEWAY, INCLUDING FUTURE FREEWAY PHASES, FOR A PERIOD OF 120 DAYS.

WHEREAS, the Carson City Municipal Code Section 18.02.120 establishes the moratorium process for matters related to planning, zoning and land uses issues; and

WHEREAS, the Planning Commission intends to make possible revisions to the applicable sections of Title 18 related to commercial signs to establish standards for signs along the freeway pursuant to the goals, policies and action plan of the adopted Master Plan; and

WHEREAS, the Planning Commission has reviewed Special Use Permits for two freeway-oriented freestanding signs, anticipates applications for additional freeway-oriented signs and desires to establish comprehensive criteria for the review of such signs; and

WHEREAS, the Planning Commission finds that the moratorium is necessary to promote the health, safety and welfare of properties along the freeway and motorists, that the moratorium is necessary to permit the City to focus on the effective and efficient preparation of a possible amendment to the sign ordinance, and that the moratorium is necessary because continued sign development along the freeway during the moratorium period would possibly result in signs that would conflict with the sign ordinance amendments; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of Carson City Municipal Code 18.02.120 and is in conformance with City and State legal requirements; and

WHEREAS, on January 4, 2008, the Planning Commission held a public hearing, obtained public testimony and duly considered recommendations and findings for the proposed moratorium.

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Board of Supervisors a moratorium on the acceptance and processing of applications for any freestanding sign that exceeds the maximum permitted sign height or sign area and that is designed to be visible from at least one direction of the Carson City freeway, including future freeway phases, for a period of 120 days from the effective date of this moratorium.

ADOPTED this 4th day of January, 2008.

VOTE: AYES: Bill Vance
Connie Bisbee
Craig Mullet
John Peery
Mark Kimbrough
George Wendell

NAYS: _____

ABSENT: Steven Reynolds

John Peery ^{ws}
John Peery, Chairman

ATTEST:

Walter Sullivan
WALTER SULLIVAN, Community Development Director