

TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS21-147

Project Name: Billboard Signs

Council District: All

Meeting Date: October 19, 2021

Planner: Robert H. Kuhfuss, AICP

Applicant: Rhett Cooney, Boulevard Media Co.

Request: Text Amendment to Chapter 109 of the Surprise Land Development Ordinance regarding Billboard Signs

Location: Citywide *

Support/Opposition: Some support, considerable opposition

Commission

Recommendation: **Approve** the requested Text Amendment with provisions that 1) limit the number of billboards to one (1) within the specified corridor and 2) limit the height of the billboard to 45'.

Alternative Actions: **Approve** the Text Amendment per the Planning Commission recommendation stated above

Approve the Text Amendment with alternative language

Deny the Proposed Text Amendment

* Note: While the subject Text Amendment involves proposed changes to the LDO, if approved, the affected properties are exclusive to District 1.

43 **PROJECT DESCRIPTION:**

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45 Rhett Cooney of Boulevard Media seeks an amendment to Chapter 109 of the Surprise
46 Municipal Code regarding Billboard Signs. The proposed Text Amendment, if approved, would
47 amend the manner in which such signs are regulated within the City of Surprise, specific to a
48 short segment of the Loop 303 in District 1.

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50 **BACKGROUND:**

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52 **April 16, 2015:** Staff began the overhaul of the Sign Code as previously written in Chapter 113
53 of the Surprise Municipal Code (SMC).

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55 **March 6, 2018:** The City Council approved the amended Chapter 113 Sign Code.

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57 **April 5, 2018:** The new Sign Code per Chapter 113 went into effect.

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59 **December 15, 2020:** The City Council approved the Land Development Ordinance (LDO), at which
60 time Chapter 113 of the SMC became Chapter 109 of the LDO.

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62 **January 14, 2021:** The LDO became effective.

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64 **February 4, 2021:** Staff discussed the billboard matter during a regular Concept Review meeting
65 under CR20-818.

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67 **February 22, 2021:** The applicant filed case FS21-147 as it relates to Billboard Signs.

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69 **May 12, 2021:** The applicant held an outreach meeting to discuss the proposed changes to the Sign
70 Code as they pertain to Billboard Signs.

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72 **July 15, 2021:** The Planning and Zoning Commission recommended approval of the subject request
73 to the City Council, with provisions limiting the number of billboard signs to one (1) within the
74 specified corridor, and limiting the height of the billboard to 45'.

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76 **August 17, 2021:** At the request of the applicant, the Council continued the matter to a date-
77 certain of October 19, 2021 so the matter could be discussed during the work session of September
78 21, 2021.

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80 **September 21, 2021:** The City Council discussed the matter at a regularly scheduled work session.

86 **OUTREACH:**

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88 The applicant held an outreach meeting on Wednesday, May 12, 2021 in both in-person and virtual
89 format. Seven (7) attendees were present in person while one (1) attended virtually. The outreach
90 meeting, as well as the Planning and Zoning Commission hearing, were advertised in accordance
91 with state and local regulations.

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93 Going into the Planning and Zoning Commission hearing of July 15, 2021, staff had received little
94 public input; however, since that date staff has received copious opposition and one item of
95 support. The reasons given for opposition are summarized below:

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97 • 34 items received
- 98 ○ 5 instances of concern over the physical look
 - 99 ○ 4 instances of concerns over dark skies
 - 100 ○ 20 instances of concern over scenic view / desert beauty
 - 101 ○ 9 instances of concern over driver distraction
 - 102 ○ 7 instances where no reason was given

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104 During the Work Session of September 21, 2021, several members of the public expressed
105 opposition to the request.

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107 **DISCUSSION:**

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109 During the re-write of the Sign Code back in the 2015-2018 timeframe, members of the
110 billboard industry approached staff regarding the possibility of including permissive language in
111 the Sign Code that would allow Billboards. Staff presented the idea to the Planning and Zoning
112 Commission who were amenable to the idea as long as it was on a limited basis. Staff, with the
113 assistance of the billboard community, and with input from stakeholders, prepared draft
114 language for the Commission's consideration. After considerable discussion, the Billboard
115 language was revised and forwarded to the City Council for consideration; however, the Council
116 rejected the idea and opted to approve a version of the Sign Code that specifically prohibited
117 billboards anywhere within the City of Surprise.

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119 The billboard language considered by the Commission in 2018, if approved, would have allowed
120 billboards in certain segments of the Grand Avenue corridor as well as a short segment of the
121 north Loop 303 corridor. The applicant's current proposal contains similar language pertaining
122 to the north Loop 303 corridor, but deliberately excludes the Grand Avenue Corridor. The
123 proposed text also increases the maximum height of a billboard sign to 45' above the edge of
124 pavement as opposed to 30' as was the case with the original language back in 2018. The
125 complete language as proposed by the applicant is included as attachments to this report,
126 however is summarized here:

- Section 109-1.7 A, Table 109-1a – revised to include billboards in certain zoning districts
- Section 109-1.7F.11 – revised to remove billboards as a prohibited use
- Section 109-1.9C.9 – revised to establish specific time, place and manner requirements specific to billboards
- Section 109-1.11 – revised to clarify the use of electronic messaging on billboards

Attachment **04a** includes staff-proposed changes to the language that identifies the beginning and ending points for the actual corridor. These proposed changes are intended to provide clarity and do not affect the intent of the applicant's proposal. Based on Commission input, however, Attachment **04b** also includes provisions that 1) limit the number of Billboards to one (1) within the specified corridor, and 2) limits the height of the billboard to 45'.

FINDINGS:

- The proposed changes are consistent with state statute.
- The proposed changes are compliant with applicable case law regarding signs and the 1st Amendment.

COMMISSION RECOMMENDATION:

Approve the requested Text Amendment with provisions that 1) limit the number of billboards to one (1) within the specified corridor and 2) limit the height of the billboard to 45'.

ALTERNATIVE ACTIONS:

Approve the Text Amendment per the Planning Commission recommendation stated above

Approve the Text Amendment with alternative language

Deny the Proposed Text Amendment

ATTACHMENTS:

- 01 – Applicant's Narrative
- 02 – Applicant Response to Comments Letters/Outreach Summary
- 03 – SMC Section 109-1.7 Permitted and Prohibited Signs, leg-edit format
- 04a – SMC Section 109-1.9 Sign Classifications and Types, leg-edit format
- 04b – SMC Section 109-1.9 Sign Classifications and Types, leg-edit format (limiting number and height of sign)
- 05 – SMC Section 109-1.11 Electronic Messaging Centers, leg-edit format
- Opposition