

**HONORABLE CITY PLANNING COMMISSION
CINCINNATI, OHIO**

July 6, 2007

SUBJECT:

A report and recommendation concerning an Agreement of Lease with Lamar Advantage GP Company for various real property sites located in the City of Cincinnati for the operation of outdoor advertising signs.

BACKGROUND:

Over the last few years the City administration discovered a number of billboard leases that were either assumed with the purchase of property, expired and rent was being collected based upon old lease rates or billboards thought to be on private property that were actually resting in part or whole on City property or within the public right-of-way. The City entered into negotiations with the billboard owners to update and revise rent payments. Additionally, the City is demanding the payment of rent or the removal of the billboards. This agreement represents the results of its negotiations with Lamar Advantage GP Company who will pay the City Sixty-One Thousand, Five Hundred and 00/100 Dollars (\$61,500.00) annually for the lease of fifteen sign locations. The City is willing to lease the properties for ten years with an initial term of five years.

Each of the outdoor advertising signs subject to the lease agreement were erected and have been in use prior to our current zoning code enactment date of February 13, 2004 and are grandfathered as either an existing permitted use or existing nonconforming use (see attachments).

The Cincinnati Zoning Code Chapter 1427 Sign Regulations states in Section 1417-01, Purposes:

Signs that do not pertain to a business, activity and use that takes place on the same premises as where the sign is located are regulated by Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code and by the applicable zoning district regulations of the Cincinnati Zoning Code.

Furthermore, Section 1427-17, Off-Site Signs states:

Off-Site Signs are permitted only in the CC-M, CC-A, CG-A, MG and ME zoning districts and must be displayed in compliance with Chapter 895, Outdoor Advertising Signs, of the Municipal Code.

The following outdoor advertising signs subject to the lease agreement are an existing nonconforming use in their current zone district. In the previous zoning code, pre-2004, Off-Site Signs were defined as advertising signs that included billboard signs.

- Sign located at HCAP Book 15, Page 2, Parcel 56 in the neighborhood of Linwood near the Beechmont Circle and Beechmont Avenue intersection is within a ML, Manufacturing Limited District and is a nonconforming use. The previous zoning was M-2 Intermediate Manufacturing that allowed advertising signs [billboards] as a permitted commercial use.
- Sign located at HCAP Book 65, Page 1, Parcel 82 in the neighborhood of Walnut Hills near the intersection of E. Martin Luther King, Jr. Drive and Fredonia Avenue is within a ML, Manufacturing Limited District and is a nonconforming use. The previous zoning was M-2 Intermediate Manufacturing that allowed advertising signs [billboards] as a permitted commercial use.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommends the City Planning Commission takes the following action:

Approve an Agreement of Lease with Lamar Advantage GP Company for various real property sites located in the City of Cincinnati for the operation of outdoor advertising signs.

Respectfully submitted:

Stephen C. Briggs
Senior City Planner

Approved:

Margaret A. Wuerstle, AICP
Chief Planner

Attachment:

Outdoor Advertising Sign Lease Locations:

Batavia Pike, 1,584 feet south of Clough Pike Auditor's Parcel 500-440-4;
Beechmont Circle, 500 feet west of Wilmer Avenue, Auditor's Parcel 15-2-56;
Pete Rose Way, 450 feet west of Central Avenue, Auditor's Parcel 147-6-68;
Mitchell Avenue, 855 feet north of Spring Grove Avenue, Auditor's Parcel 220-59-22;
I-75, 1.4 miles south of Mitchell Avenue, Auditor's Parcel 221-15-1;
I-75, 1.1 miles south of Mitchell Avenue, Auditor's Parcel 222-16-15;
I-75, .1 mile north of Western Hills Viaduct, Auditor's Parcel 187-8-121;
Martin Luther King, 800 feet west of Gilbert Avenue, Auditor's Parcel 65-1-82;
Duck Creek Road, 5 feet east of Saguin Street, Auditor's Parcel 51-7-1;
Elberon Avenue, 5 feet west of 6th Street Viaduct, Auditor's parcel 149-1-16;
Clay Wade Bailey Bridge, 26 feet north of Pete Rose Way, Auditor's Parcel 147-6-68;
River Road, 85 feet west of Lilenthall Street within River Road Right-of-Way;
SS River Road, 203 feet east of Ingalls Street, Auditor's Parcel 156-56-81;
I-75, .8 miles south of Clifton Avenue, Auditor's Parcel 219-62-4; and
River Road, 203 feet east of Hillside Avenue, within River Road Right-of-Way.

City of Cincinnati



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200700684

June 4, 2007

MOTION

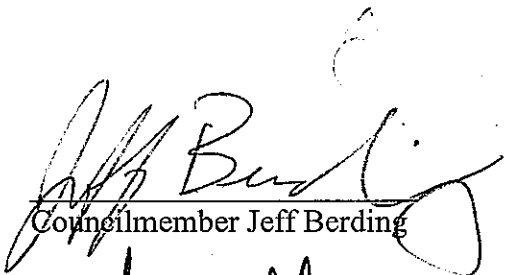
I MOVE that the City of Cincinnati create a Safe and Clean Fund with an initial appropriation of \$50,000.

I FURTHER MOVE that the source of the \$50,000 shall be the newly added revenue from the City's billboard leases with Lamar and Norton, and that these dollars shall be dedicated to the Safe and Clean Fund on an annual basis for the duration of the leases.

I FURTHER MOVE that the Administration contract with Keep Cincinnati Beautiful to administer the program and disburse funds as indicated in the attached application.

STATEMENT

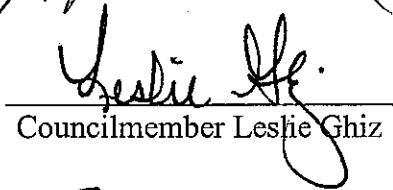
The City of Cincinnati is blessed with citizens who are passionate about preserving and improving their neighborhoods. The City must do more to support these voluntary efforts. Citizen engagement is a critical aspect of a healthy city. The Safe and Clean Fund should be renewed to support these efforts. The fund will give the City the opportunity to support grassroots efforts in our neighborhoods to clean up blight and create safer environments for residents. The application process will require a local neighborhood match (either volunteer hours or funding), rewarding those residents who are actively engaged in improving quality of life in their neighborhood and encouraging residents to take responsibility for the project once the City has stepped in with funding.



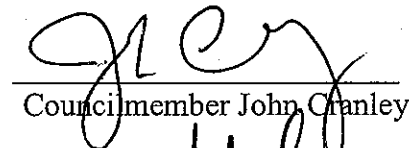
Councilmember Jeff Berding



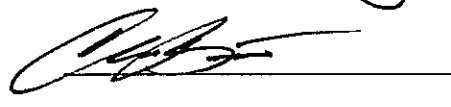
Councilmember Y. Laketa Cole



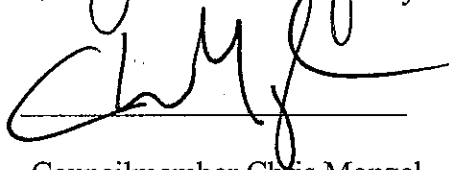
Councilmember Leslie Ghiz



Councilmember John Cranley



Councilmember Chris Bortz



Councilmember Chris Monzel



Vice Mayor Jim Tarbell