

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: AUGUST 16, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-13674 - APPLICANT/OWNER: TAMARES C/O PLAYLV GAMING OPERATIONS, LLC**

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Special Use Permit (U-0106-95) shall be expunged.
2. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. All City Code requirements and design standards of all City departments must be satisfied.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Required Two Year Review on an approved Special Use Permit (U-0106-95), which allowed a 440 square foot Off-Premise Advertising (Billboard) Sign at 313 South Main Street.

**EXECUTIVE SUMMARY**

This is the fourth review for the Special Use Permit that allowed the 440 square-foot by Off-Premise Advertising (Billboard) Sign. The sign complies with the previous conditions of approval from Special Use Permit (U-0106-95). The sign is in good condition with no graffiti or bird mess. Staff is recommending approval of the Required Review with no further reviews.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 10/18/95      The City Council approved a Special Use Permit (U-0106-95) for a 440 square foot on-premise sign to be relocated to an off-premise location. The Board of Zoning Adjustment and staff recommended approval on 09/26/05.
- 12/06/00      The City Council approved a Required Five-Year Review [U-0106-95(1)] for a 440 square foot off-premise sign. The Planning Commission and staff recommended approval on 10/26/00.
- 05/01/02      The City Council approved a Required One-Year Review [U-0106-95(2)] for a 440 square foot off-premise sign. The Planning Commission and staff recommended approval on 05/01/02.
- 07/07/04      The City Council approved a Required Two Year Review (RQR-4187) of an approved Special Use Permit (U-0106-95), which allowed a 440 square foot Off-Premise Advertising (Billboard) Sign at 310 South Main Street. The Planning Commission recommended approval on 05/27/04.
- 07/13/06      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #8/bts).

***B) Pre-Application Meeting***

A pre-application meeting is not required for this type of application.

**C) *Neighborhood Meetings***

A neighborhood meeting is not required for this type of application, nor was one held.

**D) *Site Inspection Information***

A site inspection was completed on 06/09/06. The inspection revealed that the site was free of graffiti and bird mess. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

**E) *Building Permit History***

A building permit was issued for the subject sign on 01/18/96. The sign was finalized on 04/29/96.

**DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Gross Acres: 0.25  
Net Acres: 0.24

**B) *Existing Land Use***

Subject Property: Parking Lot  
North: Parking Lot  
South: Parking Lot  
East: Commercial Retail  
West: Parking Lot

**C) *Planned Land Use***

Subject Property: DTR-C (Downtown Redevelopment Plan Commercial)  
North: DTR-C (Downtown Redevelopment Plan Commercial)  
South: DTR-C (Downtown Redevelopment Plan Commercial)  
East: DTR-C (Downtown Redevelopment Plan Commercial)  
West: DTR-C (Downtown Redevelopment Plan Commercial)

**D) *Existing Zoning***

Subject Property: C-M (Commercial/ Industrial)  
North: C-M (Commercial/ Industrial)  
South: C-M (Commercial/ Industrial)  
East: C-2 (General Commercial)  
West: M (Industrial)

**E) General Plan Compliance**

The DTR-C (Downtown Redevelopment -Commercial) category of the Downtown Redevelopment Plan of the Southeast Sector Land Use Plan of the General Plan permits the uses allowed in the O (Office), SC (Service Commercial), and GC (General Commercial) land use designations as described in the General Plan. The current C-M (Commercial/Industrial) zoning of the site is not consistent with DTR-C land use designation.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
<b>Downtown Redevelopment Plan</b>	<b>X</b>	
<b>Downtown Centennial Plan</b>	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Study Area</b>		<b>X</b>
<b>Rural Preservation Neighborhood</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Redevelopment Plan Area**

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Commercial land use designation. The proposed uses are in conformance with the Redevelopment Plan.

**Downtown Centennial Plan**

The property is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The district is home to the historic and classic Las Vegas casinos of Glitter Gulch, and it is intended to retain and enhance these facilities, while diversifying the commercial offerings and protecting the existing public facilities.

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>
Off-Premise Advertisement (Billboard)	300 feet to another Off Premise Sign	300 feet

An Off-Premise Advertisement (Billboard) Sign not oriented toward the same highway cannot be closer than 300 feet in any direction to another Off-Premise Advertising (Billboard) Sign. The nearest billboard oriented to Main Street similar to the subject sign is beyond the 300-foot distance from the subject sign.

***B) General Analysis and Discussion***

•Zoning

The subject property is currently zoned C-M (Commercial/ Industrial). The existing Off-Premise Advertising (Billboard) Sign is permitted in the C-M (Commercial/ Industrial) zoning district with the approval of a Special Use Permit.

•Use

Title 19.14.100 permits the removal of the sign if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not substantially changed since initial approval of this Special Use Permit.

•Conditions of approval from Required Review (RQR-4187)

1. The Special Use Permit shall be reviewed in two years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the OffPremise Advertising (Billboard) Sign.
5. All City Code requirements and design standards of all City departments must be satisfied.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

Title 19.14.100 permits the removal of the signs if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not seen substantial change since initial approval of this Special Use Permit.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

There are no physical constraints to the continuation of the Off-Premise Advertising (Billboard) Sign use on this site.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The continuation of the Off-Premise Advertising (Billboard) Sign use will not affect existing public rights-of-way adjacent to this request.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The Off-Premise Advertising (Billboard) Sign will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

**PLANNING COMMISSION ACTION**

A review may be added if deemed appropriate.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 3

**NOTICES MAILED** 38 by City Clerk

**APPROVALS** 0

**PROTESTS** 0