



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-13595 - REQUIRED TWO YEAR REVIEW - APPLICANT:
REAGAN NATIONAL ADVERTISING - OWNER: SDL INC

**** CONDITIONS ****

The Planning Commission (4-3/rt/ld/se vote) and staff recommend DENIAL.

Planning and Development

1. This Special Use Permit shall be reviewed in two (2) years, at which time the City Council may require the Off-Premise Advertising (Billboard) Sign 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 be removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by the City of Las Vegas. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
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. 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 of Las Vegas, 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.
6. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a required two year review of an approved Special Use Permit (SUP-3269) which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1205 East Sahara Avenue.

EXECUTIVE SUMMARY

This is the first review of the subject sign that was approved by the City Council on 08/04/04. The sign was finalized by the building department on 08/19/05. A site inspection was conducted on 07/14/06. The billboard is in good condition and free of graffiti. Staff recommended denial of the original Special Use Permit (SUP-3269) that approved the Off-Premise Advertising (Billboard) Sign. Staff does not support the continuation of the use at the present location. The sign remains incompatible with the site and perpetuates the overabundance of Off-Premise Advertising (Billboard) Signs in the area. Staff continues to recommend denial of the subject required review as this billboard is not appropriate at this location.

BACKGROUND INFORMATION

A) Related Actions

- 09/26/93 The Board of Zoning Adjustment approved a Special Use Permit (U-0195-93) to allow a minor automotive repair facility (Smog Check Station) within the commercial subdivision on the subject site.
- 03/07/01 The City Council approved a Special Use Permit (U-0204-00) for a Pawnshop within the commercial subdivision on the subject site. The Planning Commission recommended approval on January 25, 2001.
- 11/20/91 The City Council approved a Special Use Permit (U-0200-91) for an Off-Premise Advertising (Billboard) Sign located at 1201 East Sahara Avenue, which is adjacent to the subject site. The Board of Zoning Adjustment recommended approval on October 24, 1991. The Special Use Permit expired on 11/20/93 because the sign was never constructed.
- 08/04/04 The City Council approved a Special Use Permit (SUP-3269) for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign located at 1205 East Sahara Avenue. The Planning Commission and staff recommended denial on 12/04/03.

08/10/06 The Planning Commission voted 4-3/rt/ld/se to recommend DENIAL (PC Agenda Item #59/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.

D) *Site Inspection Information*

A site inspection was completed on 07/14/06. The inspection revealed that the sign was in good condition and free of graffiti.

E) *Building Permit History*

A building permit for the subject sign was issued on 10/26/04. The sign was finalized on 08/19/05.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 3.68

B) *Existing Land Use*

Subject Property: Commercial Shopping Center
North: Restaurant and Two-Family Residences
South: Commercial Shopping Center
East: Pre-School and Two-Family Residences
West: Restaurants

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: ML (Medium-Low Density Residential) and SC (Service Commercial)
South: Unincorporated Clark County C-2 (General Commercial)
East: ML (Medium-Low Density Residential) and SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: R-2 (Medium-Low Density Residential) and C-1 (Limited Commercial)
 South: Unincorporated Clark County C-2 (General Commercial)
 East: R-2 (Medium-Low Density Residential) and C-1 (Limited Commercial)
 West: C-1 (Limited Commercial)

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southeast Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning is compatible with this land use district and allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons.

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

County Notification

Unincorporated Clark County property is within the Special Use Permit notification radius; therefore subject property owners in addition to the Clark County Planning Department have been notified of this Special Use Permit land use application. At the time of this report, no response has been received.

Project of Regional Significance

Pursuant to Ordinance 5477, a project is deemed to be a Project of Regional Significance if the land use application is a Special Use Permit concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. The subject property is within 500 feet of the boundary of Clark County, which is adjacent to and south of Sahara Avenue.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	310 Feet	Y
Separation distance from U or R zoning district	300 Feet	301 Feet	Y
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	172 feet	Y

The subject sign meets minimum Code requirements for location provisions, in addition to size, height, and distance separation requirements from residential zones and other Off-Premise Signage. When considering the distance separation requirements; however, the subject sign only meets separation requirements from residential zones and other Off-Premise Signage by one foot and ten feet respectively. Meeting minimum distance separation requirements by one foot may satisfy minimum Code requirements; however, it does not demonstrate compatibility with the area nor does it eliminate the possibility of visual clutter on-site. Because of locational limitations caused by the distance separation requirements the subject sign is located 5-feet from an existing on-premise sign, as measured from edge of sign to edge of sign, which can be expected to result in visual clutter.

B) General Analysis and Discussion

•Zoning

An Off-Premise Advertising (Billboard) Sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. The subject property is C-1 zoned and is located on the north side of Sahara Avenue, east of Maryland Parkway, which is outside of the Off-Premise Sign Exclusionary Zone.

•Use

Off-premise signs are considered a principal land use rather than incidental to an existing land use. Off-premise signs generally produce revenue to the property owner as a land use as compared to on-premise signs, which in return does not produce revenue but are incidental to a revenue-producing land use. However, because of the special characteristics of off-premise signs as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with off-premise signs as a permitted use in certain zoning districts. This type of sign is a privilege and must be compatible with the surrounding area and fit properly onto the proposed site. In this instance, the proposed off-premise sign does not fit properly onto the proposed site due to an overabundance of off-premise signage in the general vicinity, including five Off-Premise Advertising (Billboard) Signs with a 500-foot radius from the subject site, in addition to its location to on-premise signage which would create visual clutter and incompatibility on the property.

•Conditions of approval from Special Use Permit (SUP-3269)

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premise Sign use and other applicable sign requirements.
2. The Special Use Permit shall be reviewed in two (2) 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 be removed.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained 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 Off-Premise Advertising (Billboard) Sign support pole shall be redesigned to include finish materials to complement the existing on-site building.

5. Only one advertising sign is permitted per sign face.
6. The entire face-area of both sides of the Off-Premise Advertising (Billboard) Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. If the 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 of the Las Vegas Municipal Code 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.
8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed billboard shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

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.**

The Off-Premise Advertising (Billboard) Sign conforms to the standards and intent of the SC (Service Commercial) General Plan designation and the C-1 (Limited commercial) zoning district. However, the sign adds to the proliferation of off-premise signage already along this portion of Sahara Avenue and Maryland Parkway, which results in an unharmonious and incompatible land use on the subject property. Title 19.14.100 states that consideration of the aesthetic impact of the sign on the area and all other aspects of the signs compatibility with the surrounding area, including the existence or nonexistence of other signage in the area shall be taken into consideration when reviewing Off-Premise Signage. The existence of other Off-Premise Advertising (Billboard) Signs that are non-conforming in terms of their proximity to residential zones are within the immediate vicinity, which does not create compatibility for the continuation of the subject sign.

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

The subject sign is located within a parking lot landscape planter in an existing commercial center. Because of limitations caused by the distance separation requirements the subject sign is located five feet from an existing on-premise sign, which can be expected to result in visual clutter and result in incompatibility on-site. This type of sign is a privilege and must be compatible with the surrounding area and fit properly onto the proposed site. The subject site is not physically suitable for the continuation of this type of use.

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 subject site is located adjacent to Sahara Avenue and Maryland Parkway, which are both designated as 100-foot wide Primary Arterial on the Master Plan of Streets and Highways. Billboards do not generate any additional traffic demand.

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 continuation of the use for the Off-Premise Advertising (Billboard) Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 208 by City Clerk

APPROVALS 0

PROTESTS 0