



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - RQR-13791 - APPLICANT: CLEAR CHANNEL
OUTDOOR - OWNER: McELHOSE TRUST**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 18, 2006 CITY COUNCIL
MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (3-2/ld/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The applicant shall obtain building permits and call for final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council.
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 is removed.
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 sign.
5. Only one advertising sign is permitted per sign face.
6. 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, and (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.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Required Two Year Review of an approved Special Use Permit (U-0006-90) which allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 1535 North Eastern Avenue.

EXECUTIVE SUMMARY

This is the fifth review of the subject Off-Premise Advertising (Billboard) Sign that was originally approved on 03/21/90. A site inspection revealed that the sign is in good condition. The sign has never received a final inspection. A condition of approval has been included, which requires a building permit within thirty (30) days of approval. Therefore, staff can support the subject Required Review and recommends approval of the subject application.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|---|
| 03/21/90 | The City Council approved a Special Use Permit (U-0006-90) for one 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval on 02/22/90. |
| 04/19/95 | The City Council approved a Required Five Year Review [U-0006-90(1)] for one 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on the site, subject to a two-year review. The Board of Zoning Adjustment and staff recommended approval on 03/28/95. |
| 04/28/97 | The City Council approved a Required Two Year Review [U-0006-90(2)] for one 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval on 04/01/97. |
| 06/05/02 | The City Council approved a Required Five Year Review [U-0006-90(3)] for one 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on the site, subject to a two-year review. The Planning Commission and staff both recommended approval on 04/25/02. |

- 07/07/04 The City Council approved a Required Two Year Review (RQR-4268) of an approved Special Use Permit (U-0006-90) which allowed a 14 foot x 48 foot Off-Premise Advertising (Billboard) Sign at 1535 North Eastern Avenue. The Planning Commission recommended denial, but staff recommended approval on 05/27/04.
- 07/27/06 The Planning Commission voted 3-2/ld/ds to recommend APPROVAL (PC Agenda Item #12/bts).

B) Pre-Application Meeting

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

C) Neighborhood Meetings

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

D) Building Permit History

There are no building permits associated with the subject billboard. A condition of approval has been added, which requires a final inspection within thirty (30) days of approval.

E) Site Inspection Information

A Site Inspection was completed on 06/26/06. The inspection revealed that the sign is in good condition. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.58

B) Existing Land Use

Subject Property: Commercial
North: Commercial
South: Commercial
East: Commercial
West: Multi-Family Residential

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: M (Medium Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)

North: C-1 (Limited Commercial)

South: C-1 (Limited Commercial)

East: C-2 (General Commercial)

West: R-3 (Medium Density Residential)

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning designation is in compliance with the General Plan designation. The purpose of the C-1 (Limited Commercial) District is to provide most retail shopping and personal services. The proposed Off-Premise Advertising (Billboard) Sign use is a permitted use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

<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

The subject site is not within a Special District or Zone.

ANALYSIS

A) Zoning Code Compliance

A1) 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	400 Feet	Y
Separation distance from U or R zoning district	300 Feet	240 Feet	N
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	210 feet	Y

The sign conforms to all separation standards for Off-Premise Advertising (Billboard) Signs except for the distance from the sign to a residential use. The subject sign was approved prior to changes to residential adjacency requirements for Off-Premise Advertising (Billboard) Signs.

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.

•Use

The Off-Premise Advertising (Billboard) Sign is located 240 feet from property designated as R (Residential), however, the immediately surrounding area has not significantly changed enough since the last two-year review to warrant the removal of the Off-Premise Advertising (Billboard) Sign. Therefore, the off-premise sign remains appropriate for this location.

•Conditions from Required Review (RQR-4268)

1. The Special Use Permit shall be reviewed in two (2) year 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. 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.

3. 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 sign.
4. Only one advertising sign is permitted per sign face.
5. 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 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.
6. All City Code requirements and design standards of all City Departments shall 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 allows the removal of an OffPremise Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. While the area immediately surrounding the subject site has not changed substantially in the past two years since the previous Special Use Permit review, billboards are not conducive to new development and are not an appropriate use in perpetuity. It is recommended this approval be subject to a two-year review.

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 subject site is located adjacent to Eastern Avenue, which is designated as a Primary (100-foot) Arterial Street, on the Master Plan of Streets and Highways. The proposed use will 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 proposed off-premise 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

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 211 by City Clerk

APPROVALS 0

PROTESTS 0