

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-17098 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: CONSTANTINO NOVAL NV, LLC

** CONDITIONS **

The Planning Commission (5-2 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of outstanding matters to be obtained from the Department of Building and Safety.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) 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 ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the denial by the Planning Commission of a required Four-Year Review of an approved Special Use Permit (U-0025-98) which allowed a 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 73 South Martin L. King Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/08/98	The City Council approved a Special Use Permit (U-0025-98) for a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at a height of 74 feet. The Planning Commission and staff recommended approval on 04/09/98.
08/02/00	The City Council approved a Two Year Required Review [U-0025-98(2)] of an approved Special Use Permit for a 672 square foot 48-foot tall Off- Premise Sign (Billboard) Sign.
09/18/02	The City Council approved a Two Year Required Review [U-0025-98(2)] of an approved Special Use Permit which allowed a 74-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign. The Planning Commission and staff recommended approval on 08/22/02.
11/16/06	The Planning Commission voted 5-2 to recommend DENIAL (PC Agenda Item #39/bts).
<i>Related Building Permits/Business Licenses</i>	
07/30/98	A building permit (98015524) was issued on 07/30/98, but never received a final building inspection.
<i>Pre-Application Meeting</i>	
	A pre-application meeting is not required for this type of application.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.6

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Building	LI/R (Light Industrial/Research)	M (Industrial)
North	R.O.W. (US-95)	R.O.W. (US-95)	R.O.W. (US-95)
South	Retail Buildings	LI/R (Light Industrial/Research) C (Downtown - Commercial)	M (Industrial)
East	R.O.W. (I-15)	R.O.W. (I-15)	R.O.W. (I-15)

West	Tennis Courts	MXU (Mixed Use)	R-5 (Apartment)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

ANALYSIS

This is the third review of the subject Special Use Permit (U-0025-98). A building permit for the subject sign was issued on 07/30/98, but was never finalized. The applicant has not complied with Condition Number four (4) from the previous Required Review [U-0025-98(2)]. Condition four (4) stated All City Code requirements and design standards of all City Departments must be satisfied. Since the applicant has never received a final from the Building Department, staff cannot support the subject Required Review. Therefore, staff is recommending denial of the subject Required Review.

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 Off-Premise Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the OffPremise sign no longer meets the standards of the Code.

The continued use of the Off-Premise Advertising (Billboard) Sign on the subject site is inappropriate. The sign fails to meet requirements of all City Departments as it has not been properly inspected by the Building Department.

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

The subject site is physically suitable for the type of billboard if properly permitted. The failure of the applicant to comply with all City Code requirements creates a potentially dangerous situation.

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.

Staff finds the continuation of the Off-Premise Advertising (Billboard) Sign use will not affect traffic onto or near Martin L. King Boulevard.

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.

Staff cannot support the continued use of the existing billboard at its present location. The billboard has never received a final inspection by the building department. The existing structure may have an adverse affect on the public health, safety, and welfare until proper inspections are completed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 28 by City Clerk

APPROVALS 0

PROTESTS 0