



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 11, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE ITEM - RQR-17763 - APPLICANT: LAMAR**  
**ADVERTISING - OWNER: Z & Z INVESTMENT COMPANY**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 20, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

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

Staff recommends DENIAL. The Planning Commission (3-3 tie vote on a motion for approval) therefore, NO RECOMMENDATION

#### **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 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. 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.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

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

**PROJECT DESCRIPTION**

This is a Required Two Year Review of an approved Special Use Permit (U-0018-95) which allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 2350 North Rainbow Boulevard.

This is the fourth review of the subject Special Use Permit (U-0018-95). The billboard does not comply with all City Code requirements due to its proximity to residential development and the Off-Premise Sign Exclusionary Zone. Therefore, staff is recommending denial of the Required Review with an additional review within two years, if approved.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/19/95                                                                  | The City Council approved a Special Use Permit (U-0018-95) for on 40-foot high, 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 denial on 03/28/95.                                    |
| 06/07/00                                                                  | The City Council approved a Required Five-Year Review on an approved Special Use Permit [U-0018-95(1)] for a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on the site, subject to a two year review. The Planning Commission and staff recommended denial on 04/27/00. |
| 08/21/02                                                                  | The City Council approved a Required Two-Year Review of an approved Special Use Permit [U-0018-95(2)] for a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on the site, subject to a two year review. The Planning Commission and staff recommended denial on 07/25/02.  |
| 10/06/04                                                                  | The City Council approved a Required Two-Year Review (RQR-4661) of an approved Special Use Permit (U-0018-95) which allowed a 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 2350 North Rainbow Boulevard. The Planning Commission and staff recommended denial on 08/26/04.        |
| 04/12/07                                                                  | <a href="#">The Planning Commission 3-3 tie vote on a motion for approval NO RECOMMENDATION (PC Agenda Item #40/ng).</a>                                                                                                                                                                           |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |                                                                                                                                                                                                                                                                                                    |
| 06/07/95                                                                  | The subject Off-Premise Advertising (Billboard) Sign received a building permit on the indicated date. A final inspection was completed by the building department on 06/22/95.                                                                                                                    |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 0.52 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                   | <b>Planned Land Use</b> | <b>Existing Zoning</b>                                       |
|-----------------------------|--------------------------------------------|-------------------------|--------------------------------------------------------------|
| Subject Property            | Service Station/Convenience Store          | SC (Service Commercial) | C-1 (Limited Commercial)                                     |
| North                       | Service Station/Convenience Store          | SC (Service Commercial) | C-1 (Limited Commercial)                                     |
| South                       | Multi-Tenant Retail                        | SC (Service Commercial) | C-1 (Limited Commercial)                                     |
| East                        | Multi-Tenant Retail/Single Family Dwelling | SC (Service Commercial) | C-1 (Limited Commercial)<br>R-CL (Single Family Compact-Lot) |
| West                        | Theatre/Multi-Tenant Retail                | SC (Service Commercial) | C-1 (Limited Commercial)                                     |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   | <b>X</b>         | N/A                      |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   | <b>X</b>         | N/A                      |
| <b>Trails</b>                                     |                   | <b>X</b>         | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | <b>X</b>         | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | <b>X</b>         | N/A                      |
| <b>Project of Regional Significance</b>           |                   | <b>X</b>         | N/A                      |

## ANALYSIS

This is the fourth review of the subject Special Use Permit (U-0018-95). A building permit for the subject sign was issued on 06/07/95 and was finalized on 06/22/95. Staff has recommended denial of all previous Required Reviews. The continued placement of an Off-Premise Advertising (Billboard) Sign on the subject site is not appropriate. Substantial development has occurred in the area over the last five years, including single-family residential, which makes the Off-Premise Advertising (Billboard) Sign incompatible with the adjacent land uses. Furthermore, the sign would not be allowed by the current Code, which requires an Off-Premise Advertising (Billboard)

Sign to be a minimum of 300 feet from any single-family residence. The subject sign is approximately 120 feet from single-family residences. This sign, on the east side of Rainbow Boulevard, is adjacent to the Off-Premise Sign Exclusionary Zone adopted by City Council in 1997. Therefore, staff is recommending denial of the subject Required Review.

**Previous Condition of Approval from Required Review (RQR-4661)**

1. This 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.
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**

The continued use of the existing Off-Premise Advertising (Billboard) Sign is not appropriate at its subject location. The billboard does not comply with all City Code requirements due to its proximity to residential development and the Off-Premise Sign Exclusionary Zone. Therefore, staff is recommending denial of the Required Review with an additional review within two years, if approved.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      37

**SENATE DISTRICT**      3

**NOTICES MAILED**      511 by City Clerk

**APPROVALS**      0

**PROTESTS**      0