

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-23330 - APPLICANT/OWNER: PARKWAY CENTER, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for the Off-Premise Sign use.
2. Conformance to the conditions for Variance (VAR-23524) if approved.
3. Approval of Variance (VAR-23524) shall be required.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. This Special Use Permit shall be reviewed in five (5) years, at which time the City Council may require removal of the Off-Premise Advertising (Billboard) Sign. 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.
6. 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.
7. 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.
8. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

9. The Off-Premise Advertising (Billboard) Sign supporting structure shall be designed to include finish materials that complement the existing on-site building. 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.
10. Bird deterrent devices shall be installed on the sign.
11. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Special Use Permit (SUP-5877) to allow a proposed 71-foot tall, 30-foot by 22-foot Off-Premise (Billboard) Sign with digital display at the northeast corner of City Parkway and Grand Central Parkway.

The previously approved off-premise sign allows the use on the property. That sign had been allowed to be attached to the building on the subject property at a height of 85 feet; however, that entitlement was allowed to expire. The amendment to the sign proposes to allow a freestanding billboard sign with digital display that is approximately 14 feet higher than the maximum height allowed by Title 19, according to a cross sectional drawing of the freeway and rear of the property submitted 08/21/07. Since there is no hardship associated with the site, the recommendation to allow this modification to the use is for denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject site as part of a larger request. The Planning Commission recommended approval. Included in that approval was the ability to maintain the existing Off-Premise Advertising (Billboard) Signs.
02/07/01	The City Council approved a Required Review [Z-0100-97(2)] on an approved Rezoning (Z-0100-97), which included the 13 previously existing off-premise advertising (billboard) signs on property bounded by U.S. 95, I-15, and Grand Central Parkway, subject to a one year review. The Planning Commission and staff recommended approval.
04/24/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-2037) and waivers to the Parkway Center Design Standards for a proposed 73,218 square foot office building on 5.11 acres adjacent to the northeast corner of Grand Central Parkway and "F" Street. Staff recommended approval.
05/21/03	The City Council approved a Required Review (RQR-1974) for 12 Off-Premise Advertising (Billboard) Signs; one of the reviewed signs was located on the subject site.

10/21/04	The Planning Commission approved a request for a Review of Conditions (ROC-5347) Number 2 and 4 of an approved Site Development Plan Review (SDR-2037) which required parking and landscaping and conformance to the submitted site plan to allow for parking to be provided off-site, landscaping to be provided with future phases and the office building to vary from the approved plans for a proposed 84,201 square foot office building on 5.11 acres adjacent to the northeast corner of Grand Central Parkway and City Parkway. Staff recommended approval.
02/24/05	The Planning Commission approved a Required Review (RQR-5683) for eight Off-Premise Advertising (Billboard) Signs, one of which was located on the subject property.
05/18/05	The City Council approved a request for a Variance (VAR-5878) from the 750-foot separation requirement and the 10-foot freeway right-of-way setback requirement for a Off-Premise Advertising (Billboard) Sign; a Variance (VAR-6355) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign to be attached to the building where such is not allowed, at a height of 85 feet where 40 feet is the maximum height allowed; a Special Use Permit (SUP-5877) for a proposed 50-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign; and a Site Development Plan Review (SDR-5876) for a 15-story, 250,000 square foot office and commercial development and waivers from the Parkway Center streetscape requirements, build-to line, and exterior materials requirements on 2.55 acres at 110 City Parkway. The Planning Commission recommended approval of the billboard for a height of 71 feet; staff recommended denial. The Variance (VAR-6355) to allow the sign to be attached at 85 feet expired 05/18/07.
09/08/05	The Planning Commission approved a request for a Major Modification (SDR-7645) to an Approved Site Development Plan Review (SDR-5876) to allow a proposed 17-story building, including 300,000 square feet of office space and 25,000 square feet of retail space, and waivers of the Parkway Center Streetscape Requirements, build-to line, and exterior materials requirements on 2.55 acres adjacent to the northeast corner of City Parkway and Grand Central Parkway. Staff recommended approval.
09/20/05	The Parkway Center Architectural Review Committee approved the Major Amendment (ARC-9313) to an approved Site Development Plan Review (SDR-5876) to allow a 17-story development including 300,000 square feet of office space and 25,000 square feet of retail space with waivers from the Parkway Center Streetscape Requirements, Build-To Line, and Exterior Materials Requirements on 2.55 acres at 110 City Parkway.

07/11/07	The City Council approved an Extension of Time (EOT-21830) of an approved Special Use Permit (SUP-5877) for a proposed 71-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign and an Extension of Time (EOT-21831) of an approved Variance (VAR-5878) from the 750-foot distance separation requirement between billboards and the 10-foot freeway right-of-way setback requirement for an Off-Premise Advertising (Billboard) Sign at 110 City Parkway. Staff recommended approval. The Variance and Special Use Permit will now expire 05/18/09 if not exercised.
09/13/07	The Planning Commission recommended approval of companion item VAR-24021 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #38/ss).

<i>Related Building Permits/Business Licenses</i>	
12/15/05	A building permit (#05008826) was issued for the foundation of the current structure on the site. The final inspection was completed 10/03/06.
01/17/06	A building permit (#06000302) was issued for a 265,000 square foot building (for Certificate of Completion) at 100 City Parkway. The permit expired 08/05/06.
02/13/06	A building permit (OTC-59396) was issued for a construction trailer at 100 City Parkway.
08/21/06	A building permit (#06005421) was issued for a parking structure at 100 City Parkway. The final inspection was completed 06/29/07.
08/21/06	A building permit (#06005420) was issued for a 265,000 square foot building (for Certificate of Completion) at 100 City Parkway. The final inspection was completed 07/17/07.
03/07/07	A building permit (#07000807) was issued for a buildout for Certificate of Occupancy of 100 City Parkway, Suite 160 for a 24-hour health club. The last inspection was conducted 08/22/07.
03/28/07	A building permit (#07001062) was issued for three electrified double-faced on-premise signs. The last inspection was conducted 05/08/07.
05/30/07	A building permit (#07001784) was issued for a Certificate of Occupancy for a bank at 100 City Parkway, Suite #120. The last inspection was conducted 07/12/07.
07/30/07	A business license (B03-00188) was issued for a bank at 100 City Parkway, Suite #120.
<i>Pre-Application Meeting</i>	
06/07/07	Requirements for a Special Use Permit application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
08/07/06	Construction of the west elevation of the parking structure appears complete. No signage (including off-premise signage) is visible except at the garage entrance. No landscaping is present except directly adjacent to the garage. The area behind the building is mostly dirt, but is terraced and bermed at the freeway.

Details of Application Request	
Site Area	
Net Acres	2.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office Building	MXU (Mixed Use)	PD (Planned Development)
North	US 95 Right of Way	US 95 Right-of-Way	US 95 Right-of-Way
South	Undeveloped	MXU (Mixed Use)	PD (Planned Development)
East	Casino	C (Commercial)	C-2 (General Commercial)
West	Commercial	MXU (Mixed Use)	PD (Planned Development)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones			
Special Purpose and Overlay Districts			
PD Planned Development District	X		Y
Downtown Overlay District (Parkway Center District)	X		Y
Airport Overlay (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Minimum Distance Separation Requirements:

Standards	Code Requirement	Provided	Compliance
Off-Premise Advertising (Billboard) Sign	Minimum 300-foot distance separation from any other off-premise sign	513 to W 513 to E 534 and 575 to N	Yes
Off-Premise Advertising (Billboard) Sign	Minimum 300-foot distance separation from nearest property line of a lot in the U or any R zoning district	Nearest U or R property is approximately 1,520 NW	Yes
Off-Premise Sign within 660 feet of right-of-way and which can be read from I-15, I-515, U.S. 95 or Oran K. Gragson Highway	Minimum 750-foot distance separation from any other off-premise sign along the same frontage	4 signs within 750 feet 513 E and W 534 and 575 to N	NO*

*There are four off-premise advertising (billboard) signs within the required 750 feet of the proposed off-premise sign. A Variance (VAR-5878) was approved to allow the proposed sign to be located within the 750-foot radius of these signs. The approval was subsequently extended to 05/18/09.

Locational Requirements:

Standards	Code Requirement	Provided	Compliance
Location	No off-premise sign may be located within the public right-of-way	On property owned by Parkway Center, LLC	Yes
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	PD District	Yes, allowed by Parkway Center standards
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet. Max. advertising height 30 Max. advertising width 60	30Hx22W = 660 SF No embellishments	Yes

Height	No higher than 40 feet from grade at the point of construction, except within 150 of right-of-way of freeway may be constructed 30 above elevation of the elevated freeway nearest the sign	Elevation of freeway nearest sign = 2055 Elevation at base of sign = 2029 Requesting 70 from base to top of sign	Code allows Elevation of 2085 Elevation at top of sign = 2099 NO
Setback	Off-premise signs shall not be located closer than 10 feet to the ROW line of a freeway or closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	Set back 25 from ROW Greater than 50 to intersection	Yes
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Screened	Yes
Other	All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Pylon sign attached to ground	Yes

ANALYSIS

The parent Special Use Permit (SUP-5877) allowed the previously existing off-premise sign on the property to be relocated on the site. As the layout of the proposed building and vehicular circulation areas for the site had eliminated most locations for the support pole of the sign, the sign was proposed to be attached to the parking structure and cantilevered to extend to the rear property line along the Oran K. Gragson Freeway (U.S. 95). It was later discovered that the Nevada Department of Transportation (NDOT) would not support encroachment into a 10-foot setback from the freeway, despite city approval of a Variance (VAR-5878) to allow construction of the sign within this setback area.

The current modification request will relocate the sign from the parking structure to a location away from the building. The proposed freestanding off-premise sign will be set back approximately 25 feet from the freeway right-of-way. The new location and NDOT setback restriction requires that the sign dimensions be altered from a 14-foot wide (tall) by 48-foot long display panel to a 30-foot wide (tall) by 22-foot long display panel. In addition, the sign face will be an LED digital display.

Title 19.14.100 allows off-premise signs located within 150 feet of the right-of-way of an elevated freeway to be erected 30 feet above the elevation of the freeway nearest the sign. The elevation of the freeway nearest the sign is 2,055 feet above sea level; therefore, the maximum elevation of the sign allowed by Code is 2,085 feet above sea level. The proposed sign would extend 70 feet from grade, which is at an elevation of 2,029 feet above sea level. The top of the sign would therefore be at an elevation of 2,099 feet above sea level, a deviation of 14 feet or 25 percent from the maximum allowable height (56 feet from grade). A companion Variance (VAR-24021) has been submitted to allow the sign to be erected with the additional height above the freeway.

The sign meets Title 19 off-premise sign requirements in every other respect except the height. The previously approved Variance (VAR-5878) allows the sign to be constructed within the 750-foot separation radius between signs located within 660 feet of the right-of-way line of a freeway. However, since the additional height is required and there is no apparent hardship associated with the site given the Codes allowance for 30 extra feet above the elevation of the freeway, staffs recommendation is for denial of the Special Use Permit.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 subject off-premise sign is proposed to be constructed to a height of 70 feet from grade, which is nearly 15 feet above the height allowed by Title 19. The use is therefore not compatible with surrounding land uses.

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

The relatively narrow area behind the building on the site and the Nevada Department of Transportation requirement for a minimum 10-foot setback from the freeway right-of-way for any signs has prompted a change in the height and width dimensions of the original sign. With the sign configured in this manner, the site is physically suitable to accommodate the 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 site is served by Grand Central Parkway and City Parkway; however, off-premise signs do not require vehicular access.

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.

Approval of this modification to an approved Special Use Permit will not compromise the public health, safety and welfare, as its permit is subject to ongoing City inspections and enforcement.

5. The use meets all of the applicable conditions per Title 19.04.

Title 19.04 refers to Title 19.14.100 for all conditions and minimum standards applicable to the Off-Premise Sign use. The proposed sign modification does not meet the required 750-foot separation between off-premise signs located within 660 feet of a freeway right-of-way; however, when originally approved, a Variance (VAR-5878) was also approved allowing the reduced separation distance. The proposed sign does not meet the Title 19 height requirement and is therefore the subject of the companion Variance (VAR-24021) request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 49 by City Clerk

APPROVALS 1

PROTESTS 0