

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SUP-25131 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: SEUNG HWAN HAN AND EUN JOO HAN**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. A wet-sealed survey site plan shall be submitted to the Planning and Development Department demonstrating compliance with Title 19.14.100 with regard to the separation distance from the proposed off-premise sign to the nearest existing off-premise sign.
2. Conformance to all minimum requirements under LVMC Title 19.04.010 for the Off-Premise Sign use.
3. 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.
4. This Special Use Permit shall be reviewed in two (2) years, at which time the City Council may require removal of the Off-Premise 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 Sign be removed.
5. The Off-Premise 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 Sign.
6. 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.
7. 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.
8. The Off-Premise Sign supporting structure shall be redesigned to include finish materials that complement the existing on-site building. The entire face-area of both sides of the Off-Premise Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

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9. Bird deterrent devices shall be installed on the sign.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

11. The proposed sign, including ground mounted base, shall not be located within the existing public right-of-way, within the additional 10 feet of right-of-way needed adjacent to this site in accordance with the City's adopted Master Plan of Streets and Highways that designates Western Avenue as an 80-foot Secondary Collector (MSH-13509) or interfere with Sight Visibility Restriction Zones. In addition, the proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 40-foot high, 14-foot by 48-foot off-premise sign at 1550 West Oakey Boulevard. This sign will be oriented toward Oakey Boulevard and Western Avenue. The proposed sign meets Title 19 requirements for this use; therefore, staff recommends approval.

Because the proposed location is very close to the 300-foot distance separation required between off-premise signs, a stamped survey with an engineer or surveyors signature is required as a condition of approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/21/91	The City Council denied an appeal from the Board of Zoning Adjustment denial of a Variance (V-0093-91) request to allow three 14-foot by 48-foot off-premise advertising (billboard) signs 500 feet apart where a minimum separation of 750 feet is required, and to allow the signs to a height of 85 feet where 30 feet above the adjacent elevated freeway is the maximum height allowed on property located on the west side of Western Avenue, between Wall Street and Oakey Boulevard. Staff recommended denial.
09/04/91	The City Council rescinded the denial action on a request for a Variance (V-0093-91) to allow three 14-foot by 48-foot off-premise advertising (billboard) signs 500 feet apart where a minimum separation of 750 feet is required, and to allow the signs to a height of 85 feet where 30 feet above the adjacent elevated freeway is the maximum height allowed on property located on the west side of Western Avenue, between Wall Street and Oakey Boulevard.
09/19/91	The City Council approved a Variance (V-0093-91) to allow three 14-foot by 48-foot off-premise advertising (billboard) signs 500 feet apart where a minimum separation of 750 feet is required, and to allow the signs to a height of 85 feet where 30 feet above the adjacent elevated freeway is the maximum height allowed on property located on the west side of Western Avenue, between Wall Street and Oakey Boulevard. The Board of Zoning Adjustment and staff had recommended denial.
12/16/92	The City Council approved a Special Use Permit (U-0282-92) for the off-premise sale of beer and wine at an existing convenience store at 1550 West Oakey Boulevard. The Board of Zoning Adjustment recommended denial.

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05/19/93	The City Council approved a Special Use Permit (U-0067-93) to allow a 550-gallon propane tank on the property at 1550 West Oakey Boulevard. The Board of Zoning Adjustment recommended approval.
10/16/96	The City Council approved a Five Year Review [V-0093-91(1)] of a Variance that allowed three 14-foot by 48-foot off-premise advertising (billboard) signs 500 feet apart where a minimum separation of 750 feet is required, and to allow the signs to a height of 85 feet where 30 feet above the adjacent elevated freeway is the maximum height allowed on property located on the west side of Western Avenue, between Wall Street and Oakey Boulevard. No additional reviews were conditioned.
07/12/01	The Planning Commission approved a Site Development Plan Review (SD-0036-01) for a proposed full service car wash at an existing convenience store at 1550 West Oakey Boulevard. Staff recommended approval. The request included a perimeter landscape waiver; however, it was not advertised, and the Commission voted to add a condition requiring the applicant to work with staff to provide perimeter landscaping where feasible.
10/16/02	The City Council approved a Special Use Permit (U-0104-02) for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 1501 Western Avenue, to the north of the subject site. The Planning Commission and staff recommended approval. The billboard was constructed in
11/17/04	The City Council approved a Two Year Review (RQR-5165) of an approved Special Use Permit (U-0104-02) for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 1501 Western Avenue, to the north of the subject site, subject to another review in two years. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a request (GPA-9219) to amend the future land use designation on parcels located within the Las Vegas Redevelopment Plan area and Redevelopment Plan expansion area to Commercial, Industrial, Mixed Use or Public Facilities. The Planning Commission and staff recommended approval.
10/04/06	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-13509) to reclassify Western Avenue from a 60-foot Minor Collector to an 80-foot Secondary Collector between Charleston Boulevard and Sahara Avenue as part of a larger request. The Planning Commission and staff recommended approval.
06/20/07	The City Council approved a request (GPA-20227) to amend a portion of the Southeast Sector Plan of the General Plan from C (Commercial) and LI/R (Light Industry/Research) to MXU (Mixed Use) on 73.5 acres generally located south of Charleston Boulevard, west of Main Street, north of Wyoming Avenue and east of the Union Pacific Railroad right-of-way. The subject property was not included in the request, but the neighboring properties to the east were affected.

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11/21/07	The City Council approved a Two Year Review (RQR-24331) of an approved Special Use Permit (U-0104-02) that allowed a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 1501 Western Avenue, to the north of the subject site. The Planning Commission and staff recommended approval with an additional review in three years.
12/06/07	The Planning Commission voted to hold this item (SUP-25131) in abeyance to the 12/20/07 Planning Commission meeting at the request of the applicant.
12/20/07	The Planning Commission voted to hold this item (SUP-25131) in abeyance to the 01/10/08 Planning Commission meeting at the request of the applicant.
01/10/08	The Planning Commission voted to hold this item (SUP-25131) in abeyance to the 02/14/08 Planning Commission meeting at the request of the applicant.
<i>Related Building Permits/Business Licenses</i>	
04/18/89	A business license (S05-01022) was issued for a convenience store at 1550 West Oakey Boulevard. The license was reclassified and issued as C15-00210 on 07/08/98. The license is still active.
02/21/91	A business license (C05-01505) was issued for cigarette sales at 1550 West Oakey Boulevard. The license is active.
01/11/93	A business license (L04-01076) was issued 01/11/93 for off-premise sales of beer and wine at 1550 West Oakey Boulevard. The license was reclassified and issued as L10-00118 on 07/07/93.
06/16/93	A building permit (#93190852) was issued for installation of a liquid petroleum gas dispenser at 1550 West Oakey Boulevard. An inspection was completed 06/18/93.
07/06/94	Two business licenses (C20-01611 G01-01611) were issued for gaming at 1550 West Oakey Boulevard. The licenses are active.
07/11/00	A building permit (#012988) was issued for replacement of an underground fuel tank at 1550 West Oakey Boulevard. An inspection was completed 07/24/00.
11/06/00	A building permit (#020239) was issued for relocation of a propane tank at 1550 West Oakey Boulevard. An inspection was completed 11/14/00.
09/07/04	A building permit (#04019535) was issued for an on-premise sign at 1550 West Oakey Boulevard. A final inspection was not conducted.
01/13/05	A building permit (#05000203) was issued for an on-premise sign at 1550 West Oakey Boulevard. A final inspection was not conducted.
02/09/05	A building permit (#05000739) was issued for a car wash at 1546 West Oakey Boulevard. A final inspection was completed 11/21/06.
07/26/07	A building investigation (OTC-94665) was authorized for an existing shade structure at the car wash at 1546 West Oakey Boulevard where no permits were obtained.
09/06/07	A building permit (#96883 B_SHAD) permit was denied for two existing freestanding shade structures built without permits at 1550 West Oakey Boulevard. Planning and Development staff denied its review, saying the structure did not meet the corner side setback. Revised plans showing compliance with Title 19 requirements for accessory structures were requested.

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<i>Pre-Application Meeting</i>	
10/12/07	Submittal requirements for a Special Use Permit for an off-premise sign were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
10/31/07	The site is developed with a convenience store with fuel pumps, a car wash, and accessory structure. There are two canopies. The site is completely paved except in the landscaped areas. A semicircular landscape planter is situated at the corner of Oakey Boulevard and Western Avenue, behind which is a propane filling station. The site has 17 striped parking spaces, including those adjacent to the propane filling area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.93

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Station without Automotive Repair; Car Wash, Full Service	C (Commercial)	M (Industrial)
North	Motor Vehicle Sales, Used	C (Commercial)	M (Industrial)
South	Office, Retail Commercial	LI/R (Light Industry/Research)	M (Industrial)
East	Union Pacific Railroad Bus Charter Service and Service Facility	ROW (Right of Way) MXU (Mixed Use)	ROW (Right of Way) M (Industrial) under Resolution of Intent to C-2 (General Commercial)
West	Retail, Commercial, Tavern	C (Commercial)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area (Commercial)	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 Feet)	X		Y
Trails		X	N/A

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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 Sign	Minimum 300-foot distance separation from any other off-premise sign	Approx. 310 feet to NW Approx. 495 feet to W Approx. 415 feet to N Approx. 390 feet to E	Yes*
Off-Premise 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 665 feet to W (R-1)	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 and is oriented toward these rights-of-way	Minimum 750-foot distance separation from any other off-premise sign along the same frontage	Approximately 330 feet from I-15 ROW; determined not to be oriented toward I-15 freeway	N/A

*The applicant will need to indicate compliance on the site plan through a survey; the existing off-premise sign is very close to 300 feet from the location of the proposed off-premise sign.

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 Seung Hwan Han and Eun Joo Han	Yes
Location	No off-premise sign may be located within the Off-Premise Sign Exclusionary Zone	Not within the Exclusionary Zone	Yes
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	M District	Yes

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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	14H x 48W = 672 SF No embellishments	Yes
Height	No higher than 40 feet from grade at the point of construction, except within 150 of ROW of freeway, may be constructed 30 above elevation of the elevated freeway nearest the sign	Oriented to Oakey Blvd/Western Avenue Located greater than 150 feet from the I-15 ROW Proposed 40 feet high	Yes
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 330 from I-15 ROW Set back approx 50 from intersection of Oakey and Western	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 Partial Flag style	Yes

*The point on the ground from the center of the sign structure to the intersection is greater than 50 feet; the pole support is approximately 50 feet from the intersection.

ANALYSIS

The proposed off-premise sign is proposed to be located in a paved area north of an existing propane filling area at the southwest corner of the site. The pole supporting the sign will be set back 50 feet from the intersection of Oakey Boulevard and Western Avenue; the center of the sign structure will therefore be more than the 50-foot minimum setback required by Title 19.14.100. The edge of the sign will be at least 10 feet from any right-of-way. Although the sign is located approximately 330 feet from the I-15 right-of-way, it is not oriented toward the freeway. It will be a partial flag design that will hang over the paved area.

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Depending on the exact placement and configuration of the off-premise sign, as many as three parking spaces could be taken in order to allow room for the sign. (Some may not be taken at all; the site plan states that no parking spaces will be taken.) These are not required spaces. The site is parking impaired, requiring 11 spaces at the time of the most recent Site Development Plan Review, while the current code requires 14 spaces. However, the site provides 17 striped spaces, allowing for removal of at least three spaces if necessary.

To address concerns regarding the sign location and potential conflicts with cut-through traffic that applicant has moved the sign a little closer to the landscaping planter and made a slight adjustment to the orientation. No guardrails or reduction in the number of curb cuts has been indicated.

The sign as proposed meets the off-premise sign standards contained in Title 19.14, including those for distance separation, location and height. However, the proposed sign is very close to encroaching within the required 300-foot separation distance from an existing billboard to the northwest of the site. To ensure that the standards are satisfied, a condition of approval is recommended requiring a stamped, signed survey demonstrating compliance prior to the issuance of a building permit for the off-premise sign.

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 proposed Off-Premise Sign use is harmonious and compatible with the surrounding industrial and commercial land uses and is separated from existing off-premise signage by the required distances.

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

The subject site is suitable for the intensity of an off-premise sign 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.**

Western Avenue (a 60-foot right-of-way classified as a Secondary Collector) and Oakey Boulevard/Wyoming Avenue (an 80-foot Secondary Collector street) provide access to the site; however, the off-premise sign use does not require vehicular access.

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- 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 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 cross references Title 19.14.100, which contains the standards applicable to off-premise signs. All standards in this section are satisfied by the proposal. Regular maintenance of the sign is required as a condition of approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 89

APPROVALS 0

PROTESTS 2