

AGENDA MEMO**PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ROC-26778 - APPLICANT/OWNER: DFA, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Condition #15 of Site Development Plan Review (SDR-13904) shall be amended to say on-site off-premise advertising (billboard) signs shall be relocated prior to the issuance of building permits.
2. Approval and Conformance to the Conditions of Approval for Rezoning (ZON-13896), Variance (VAR-13900), Variance (VAR-18250), Special Use Permit (SUP-13903) and Site Development Plan Review (SDR-13904) and Site Development Plan Review (SDR-26639) shall be required.

Pubic Works

3. The proposed sign, including ground mounted base, shall not be located within the existing public right-ofway adjacent to this site, within the additional rights-of-way required for dedication by Conditions of Approval No. 3 and 4 of Rezoning Classification ZON-13896 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

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition to modify Condition Number 15 of an approved Site Development Plan Review (SDR-13904), which stated on-site off-premise advertising (billboard) signs shall be removed prior to the issuance of building permits on 2.61 acres at the southwest corner of Bonanza Road and Martin L King Boulevard.

The request to remove the existing 288 square-foot Off-Premise (Billboard) Sign located on the north side of Bonanza Road, approximately 185 feet west of Martin L. King Boulevard and relocated at a future time to the southwest portion of the site, does not constitute a taking per Title 19.14.100 (G), therefore staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/06	The City Council approved to Amend the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. Planning Commission and Staff recommended approval.
01/11/07	Planning Commission approved a Variance (VAR-18250) to allow a proposed building to be five feet from the corner side property line where 15 feet is the minimum setback required on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. Staff recommended approval.
01/17/07	The City Council approved a Rezoning (ZON-13896) from R-E (Residence Estates) to C-2 (General Commercial), a Variance (VAR-13900) to allow a front yard setback of 10 feet where 20 feet is required, a corner side yard setback of 10 feet where 15 feet is required, and a rear yard setback of 11 inches where 20 feet is required, a Special Use Permit (SUP-13903) for a 274-foot high building in the North Las Vegas Airport Overlay District, and a Site Development Plan Review (SDR-13904) for a commercial development consisting of a 3,000 square-foot, a 1,500 square-foot, and a 4,500 square-foot retail pad; a 20-story building consisting of 3,700 square feet of restaurant space, 10,000 square feet of retail space, 150,000 square feet of office space, and a 4,500 square foot child care facility; and a Waiver of the perimeter landscaping requirements on the subject site. Planning Commission and staff recommended approval on all related cases.
<i>Related Building Permits/Business Licenses</i>	
09/27/66	A building permit (#35098) was issued for Off-Premise Advertising (Billboard) Signs.

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Pre-Application Meeting	
12/13/07	A pre-application meeting was held with the applicant. The applicant proposed to relocate the existing Off-Premise (Billboard) Sign off of Martin L. King Boulevard to the parking garage entitled as part of Site Development Plan Review (SDR-13904). The applicant proposed the new billboard on the parking garage be digital, larger and located 83 feet in height. Staff informed the applicant that this would require a Special Use Permit and Variance. Submittal requirements were then discussed. Later it was determined that after the approving of Ordinance #5959 that the Special Use Permit should be a Site Development Plan Review per Title 19.14.100 (G).

Field Check	
02/11/08	A field check was made on-site. The site currently has trucks and heavy machinery stored on site. A 288 square-foot Off-Premise (Billboard) Sign is located on the north side of Bonanza Road, approximately 185 feet west of Martin L. King Boulevard.

Details of Application Request	
Site Area	
Gross Acres	2.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	C-2 (General Commercial) and R-E (Residence Estates under Resolution of Intent to C-2 (General Commercial))
North	Mini-Mart	C (Commercial)	C-1 (Limited Commercial)
South	U.S. 95	Right-of-way	Right-of-way
East	Sears Service Center	LI/R (Light Industrial and Research)	M (Industrial)
West	Rental Shop; Warehouse	LI/R (Light Industrial and Research)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		N*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District which restricts the height of buildings to 140 feet. The proposed development, at 274 feet, exceeds this height. However, a Special Use Permit (SUP-13903) has been submitted to allow relief from this requirement.

**Pioneer Trail

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail.

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Not Located within the Exclusionary Zone	Y
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-1 (Limited Commercial) zoning district	Y
Area	No Off-Premise Advertising (Billboard) Signs 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.	1,200 SF	N*

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Height	No higher than 40 feet from grade at the point of construction except as provided in subparagraphs (a) and (b) below. (a) An off-premise sign within 150 feet of the right-of-way line of an elevated freeway or high to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign	58 Feet above	N*
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to another Off Premise Sign	317 feet to another Off Premise Sign	Y
Off-Premise Advertisement (Billboard)	At least 750 feet to any other off-premise sign along the same frontage	465 feet	N#
Off-Premise Advertisement (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	> 300 feet	Y
Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property	Y

**A Variance (VAR-26447) to allow a 1,200 square foot off-premise digital (billboard) sign flush with the wall of the parking structure where 672 square feet is permitted and to allow the off-premise digital (billboard) sign to be erected 58 feet above the elevation of the freeway where 30 feet above the elevation of the freeway is the maximum allowed has been submitted as a companion item by the applicant.*

#Per Title 19.14.100 (G) Adjustments, Relocations, and Modifications of Signs Near Freeways.

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ANALYSIS

The applicant is proposing that the existing 288 square-foot Off-Premise (Billboard) Sign located on the north side of Bonanza Road, approximately 185 feet west of Martin L. King Boulevard, which was conditioned to be removed prior to the issuance of building permits per Condition #15 of Site Development Plan Review (SDR-13904), be relocated at a future time to the southwest portion of the site.

There is presently one, 288 square-foot Off-Premise (Billboard) Sign on the parcel. On 01/17/07, the City Council approved a Site Development Plan Review (SDR-13904) for a commercial development consisting of a 3,000 square-foot, a 1,500 square-foot, and a 4,500 square-foot retail pad; a 20-story building consisting of 3,700 square feet of restaurant space, 10,000 square feet of retail space, 150,000 square feet of office space, and a 4,500 square foot child care facility; and a Waiver of the perimeter landscaping requirements on the subject site. As a companion item, a Rezoning (ZON-13896) was approved from R-E (Residence Estates) to C-2 (General Commercial).

- Site Development Plan Review (SDR-13904) Condition #15 states that the *on-site off-premise advertising (billboard) signs shall be removed prior to the issuance of building permits.*
- Rezoning (ZON-13896) Public Works Condition #3 states *dedicate 15 feet of right-of-way for a total half-street width of 50 feet on Bonanza Road, 10 feet of right-of-way for a total half-street width of 50 feet on Martin L. King Boulevard, and dedicate an additional 24 feet of right-of-way for a total radius of 54 feet on the southwest corner of Martin L. King Boulevard and Bonanza Road prior to the issuance of any permits.*

The dedication of 15 feet right-of-way for a total half-street width stated in Condition #3 of Rezoning (ZON-13896) will place the existing on-site off-premise billboard in the right-of-way, which requires it to be removed.

The Off-Premise (Billboard) Sign, which was located on the southwest corner of Martin L. King Boulevard, approximately 100 feet south of Bonanza Road, was removed in December of 2007 for a publicly funded improvement widening project. The applicant is proposing a 1,200 square-foot Off-Premise (Billboard) Sign, which code permits a size no greater than 672 square feet, at a height that is 58 feet above the elevation of the freeway where 30 feet above the elevation of the freeway is the maximum. Per Title 19.14.100 this request will require a Site Development Plan Review (SDR-26639) and Variance (VAR-26447), which are companion items of this Review of Condition application.

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FINDINGS

Per Title 19.14.100 (G) Adjustments, Relocations, and Modifications of Signs Near Freeways, the applicant is permitted to relocate a sign to another location on the same existing parcel in order to achieve visibility that was obstructed by a noise abatement or highway improvement project. The dedication of 15 feet of right-of-way for a total half-street width stated in Condition #3 of Rezoning (ZON-13896), which will place the existing on-site off-premise billboard in the right-of-way, does not constitute a taking by a highway improvement project.

The request to remove the existing 288 square-foot Off-Premise (Billboard) Sign located on the north side of Bonanza Road, approximately 185 feet west of Martin L. King Boulevard and relocated at a future time to the southwest portion of the site, does not constitute a taking per Title 19.14.100 (G), therefore staff recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 108

APPROVALS 0

PROTESTS 0