



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 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 surveyed site plan, signed and stamped by a Surveyor licensed in the State of Nevada, 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 three (3) 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 55-foot high, 14-foot by 48-foot off-premise sign at 1550 West Oakey Boulevard. The requested 55-foot height is due to an existing 40-foot high sign for the service station. This sign will be oriented toward Oakey Boulevard and Western Avenue.

The proposed location is very close to the 300-foot distance separation required between off-premise signs; therefore, a stamped survey with an engineer or surveyors signature is required as a condition of approval. Otherwise, the subject proposal meets all Title 19.14.100 conditions for the Off-Premise Sign use and is compatible with the surrounding area; therefore, approval of this request is recommended.

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.
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	This item was held in abeyance at the applicants request to allow time to address Planning Commission concerns.

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12/20/07	This item was held in abeyance at the applicants request to allow time to address Planning Commission concerns.
01/10/08	This item was held in abeyance at the applicants request to allow time to address Planning Commission concerns.
02/14/08	This item was held in abeyance at the staffs request to allow time to re-notify the item as the applicant has proposed an increase in height.
<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.
<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.	

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<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	ROW (Right of Way)	ROW (Right of Way)
	Bus Charter Service and Service Facility	MXU (Mixed Use)	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
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Live Work	X		Y
A-O Airport Overlay District (200 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 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	Y *
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)	Y
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.

Location Requirements:			
Standards	Code Requirement	Provided	Compliance
Location	No off-premise sign may be located within the public right-of-way	On private property	Y
Location	No off-premise sign may be located within the Off-Premise Sign Exclusionary Zone	Not within the Exclusionary Zone	Y
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	M District	Y
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 Feet Max. advertising width 60 Feet	14 Feet High x 48 Feet Wide = 672 SF No embellishments	Y

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Height	No higher than 40 feet from grade at the point of construction, except that an off-premise sign within 60 feet of the right-of-way line of the street to which it is oriented which, at a height of 40 feet, will have a significant portion of its display surface obscured from view from the travel lanes of the street may be increased to a maximum of 55 feet when authorized by the City Council	Oriented towards Oakey Blvd/Western Avenue Proposed 55 feet high	Y *
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 Feet from I-15 ROW Set back ≈ 60 Feet from intersection of Oakey and Western	Y **
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Screened	Y
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	Y

* Per the applicants justification letter and submitted exhibit the existing service station sign presents an obstruction from view from the travel lanes.

** 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 subject site is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and is designated as C (Commercial). The C (Commercial) designation allows for a mix of uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The existing Service Station use is permissible in an M (Industrial) zoning district and the proposed Off-Premise Sign use is permissible with the approval of this request and would then be consistent with the existing C (Commercial) General Plan designation.

The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the sign, 55 feet, is within the height limitation pursuant to Title 19.06.080.

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As previously noted, the subject site is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Due to the special characteristics of off-premise signs as compared to other types of land uses and structures, Title 19.14.100 establishes criteria and minimum requirements for the approval of off-premise signage. Off-premise signs are to be considered primarily a specific type of land use rather than as an incidental use to an existing land use. Off-premise signs generally produce revenue to the property owner(s) as a land use as compared to on-premise signs which in themselves do not produce revenue but are incidental to revenue producing land uses.

Pursuant to Title 19.14.100, the following minimum separation standards apply to the subject proposal: an off-premise sign not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off-premise sign, wherever located, including an off-premise sign that is situated outside the corporate boundaries of the City. Further, an off-premise sign shall not be located closer than ten feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways and no off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in the U zoning district or any R zoning district. The proposed Off-Premise Sign use appears to be greater than 300 feet from any other such sign. A condition of approval requires that the applicant will need to indicate compliance on the site plan through a survey as an existing off-premise sign is very close to 300 feet from the location of the proposed off-premise sign. Additionally, the proposed Off-Premise Sign use is greater than ten feet from the right-of-way line, greater than 50 feet from the street intersection of Oakey Boulevard and Western Avenue and greater than 300 feet from the nearest residential zoning district. Although the sign is located approximately 330 feet from the I-15 right-of-way, it is not oriented toward the freeway. Therefore, it meets the minimum distance separation requirement.

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 the applicant has moved the sign a little closer to the landscaping planter and made a slight adjustment to the orientation. The relocation of the sign from the original proposed location has created a visual conflict with the existing service station sign at the original proposed height of 40 feet. Therefore, the applicant has amended the request to allow the sign to a height of 55 feet to minimize any obstruction of the display surface so that it may be adequately viewed from the travel lanes of the street to which it is oriented. Pursuant to Title 19.14.100 (C) (8) the City Council may authorize a height of 55 feet under these conditions. No guardrails or reduction in the number of curb cuts has been indicated.

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The proposed sign, which is a partial flag design that will hang over the paved area, conforms to the off-premise sign standards contained in Title 19.14, including those for distance separation, location and height. However, the proposed sign is 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 surveyed site plan, signed and stamped by a Surveyor licensed in the State of Nevada, demonstrating compliance be submitted to Planning and Development 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.

- 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.

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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 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 89

APPROVALS 0

PROTESTS 5