

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26774 - APPLICANT: OUTDOOR SOLUTIONS - OWNER:
FRED KAVLI

** CONDITIONS **

The Planning Commission (5-1/ds-1/rt vote) and staff recommend 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 Rezoning (Z-0105-93), Special Use Permit (SUP-8697) and Site Development Plan Review (SDR-1326) if approved.
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 the Off-Premise Sign 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 Sign is 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. Only one advertising sign is permitted per sign face.
8. If the 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 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.
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.

Public Works

12. The proposed sign, including ground mounted base, shall not be located within the existing public right-of-way 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 40-foot high, 14-foot by 48-foot Off-Premise Sign use at 4510 North Tenaya Avenue. This sign will be oriented toward U.S. 95. The proposed sign meets Title 19 requirements for this use; therefore, staff recommends approval.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 12/15/93 | The City Council approved a Rezoning (Z-0105-93) from N-U (Non-Urban) to C1 (Limited Commercial) for a proposed retail shopping center as part of a larger request. The Planning Commission recommended approval. |
| 12/28/93 | The Zoning Board of Adjustment approved a Variance (V-146-93) to allow outside storage in a C-1 (Limited Commercial) zoning district. |
| 11/10/97 | The City Council denied, on appeal of a denial by the Planning Commission, a request for a Special Use Permit (U-0095-97) to allow an Off-Premise Advertising (Billboard) Sign on this site. |
| 01/11/99 | The City Council withdrew, on appeal of a denial by the Planning Commission, a request for a Special Use Permit (U-0134-98) to allow an Off-Premise Advertising (Billboard) Sign on this site. |
| 11/15/00 | The City Council struck, on appeal of a denial by the Planning Commission, a request for a Special Use Permit (U-0152-00) to allow an Off-Premise Advertising (Billboard) Sign on this site. |
| 01/09/03 | The Planning Commission approved a Site Development Plan Review (SDR1326) for an addition and remodel of an existing building. Staff recommended approval. |
| 10/19/05 | The City Council approved a request is for a Special Use Permit (SUP-8697) for a proposed Building and Landscape Material / Lumber Yard in an existing building at 4500 North Tenaya Way. The Planning Commission and staff recommended approval. |
| 03/13/08 | The Planning Commission voted 5-1/ds-1/rt-0 to recommend APPROVAL (PC Agenda Item #37/rts). |
| <i>Related Building Permits/Business Licenses</i> | |
| There are no building permits or business licenses related to this request. | |
| <i>Pre-Application Meeting</i> | |
| 12/13/07 | A pre-application meeting was held, where submittal requirements and elements of this application were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |

| Field Check | |
|--------------------|--|
| 02/22/08 | The Department of Planning and Development conducted a site visit that found that this is a fully developed. It did not appear that the principle use for the site (Building and Landscape Material / Lumber Yard) was open for retail business. |

| Details of Application Request | |
|---------------------------------------|-------|
| Site Area | |
| Gross Acres | 13.88 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--|-------------------------------------|--|
| Subject Property | Building and Landscape Material / Lumber Yard | SC (Service Commercial) | C-1 (Limited Commercial) |
| North | Single-Family, Detached | ML (Medium-Low Density Residential) | R-CL (Single Family Residential Compact Lot) |
| South | General Retail; Restaurant w/Drive Through; Shopping Center; and Undeveloped | SC (Service Commercial) | C-1 (Limited Commercial) |
| East | U.S. Highway 95 | ROW (U.S. 95) | ROW (U.S. 95) |
| West | Single-Family, Detached | L (Low Density Residential) | R-CL (Single Family Residential Compact Lot) |

| Special Districts/Zones | Yes | No | Compliance |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | n/a |
| Special Districts/Zones | Yes | No | Compliance |
| Special Purpose and Overlay Districts | | | |
| A-O Airport Overlay District (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 | | Y |

**** Pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance, as the request is for a Special Use Permit within 500 feet of the City's boundary with unincorporated Clark County. Two Special Use Permits are requested in conjunction with this project. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinances for referral to affected agencies. As of 02/28/08, no comments have been received from any agencies.

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 | > 300 Feet | Y |
| Off-Premise Sign | Minimum 300-foot distance separation from nearest property line of a lot in the U or any R zoning district | >300 Feet to residential property to the north | 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 | >750 Feet Separation | Y |

| 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 | Within the Exempt Zone | Y |
| Zoning | Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only | C-1 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 Max. advertising width 60 | 14H x 48W = 672 SF No embellishments | Y |
| 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 | 40-Foot Height Proposed | 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. | > 10-Foot Setback from U.S. 95 ROW | 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 |

ANALYSIS

The subject site is located on the Centennial Hills Sector Map of the General Plan. The site is designated as SC (Service Commercial). This category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The SC (Service Commercial) category may also allow mixed-use development with a residential component where appropriate. The existing Building and Landscape Material / Lumber Yard use is permissible in a C-1 (Limited Commercial) 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 SC (Service Commercial) General Plan designation.

The site is within the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the sign, 40 feet, is within the height limitation pursuant to Title 19.06.080.

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 may not be located closer than 750 feet (measured along the highway frontage) to any other off-premise sign along the same frontage when the off-premise sign is within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515. 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; no off-premise sign shall be erected or maintained within 660 feet of the nearest travel lanes of the Summerlin Parkway from Station 499 + 78 to Station 601 + 30; 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 is greater than 750 feet from any other such sign on the west frontage along U.S. 95, greater than ten feet from the right-of-way line, greater than 660 feet from Summerlin Parkway, and greater than 300 feet from the nearest residential zoning district. Therefore, it meets the minimum distance separation requirement.

The proposed Off-Premise Sign use as proposed meets the off-premise sign standards contained in Title 19.14.100, including those for distance separation, location and height. Therefore, staff is recommending approval of this special use permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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 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.**

Tenaya Way (an 80-foot right-of-way classified as a Secondary Collector) provides 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.

- 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 the Off-Premise Sign use. All standards in this section are satisfied by the request. Regular maintenance of the sign is required as a condition of approval.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 323 by City Clerk

APPROVALS 0

PROTESTS 12