

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 26, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-28093 - APPLICANT: LAMAR OUTDOOR ADVERTISING
- OWNER: JERMAC, LLC**

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

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-2291).
2. This Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the Off-Premise Sign (Billboard) 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 Advertising Sign (Billboard) is removed.
3. The Off-Premise Sign (Billboard) 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 (Billboard).
4. 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 (Billboard).
5. If the existing Off-Premise (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City of Las Vegas, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a required Two-Year Review is for an approved Special Use Permit (SUP-2291) which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Sign (Billboard) located at 1851 North Rainbow Boulevard, on a 13.2-acre property adjacent to the northeast corner of Vegas Drive and US-95.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 10/03/84 | The subject property was Annexed [A-0015-84(A)] into the City of Las Vegas as part of a larger request. |
| 11/21/84 | The City Council approved a Rezoning (Z-0074-84) from N-U (Non-Urban) Zone to C-1 (Limited Commercial) Zone on the southern portion of this site, and from N-U (Non-Urban) to R-3 (Medium Density Residential) on the northern portion of this site as part of a larger request. The Planning Commission recommended approval of the C-1 portion and denial of the R-3 portion. |
| 01/16/85 | The City Council approved a Rezoning (Z-0095-84) on the northern portion of this site from N-U (Non-Urban) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial). The Planning Commission recommended approval. |
| 06/21/89 | The City Council approved a Special Use Permit (U-0055-89) for two (2) 40-foot tall, 14-foot by 48-foot Off-Premise Advertising Signs (Billboards) on this site, under condition that the billboards may only be used as Subdivision Development Directional Signs for the first five years. The Board of Zoning Adjustment recommended denial, citing the incompatibility of the signs at this location. |
| 07/20/94 | The City Council approved a Required five-year Review [U-0055-89(1)] on an approved Special Use Permit for two 40-foot tall, 14-foot by 48-foot Off-Premise Advertising Signs (Billboards) on this site. The Board of Zoning Adjustment recommended approval. |
| 11/03/99 | The City Council approved a Required five-year Review [U-0055-89(2)] on an approved Special Use Permit for two (2) 40-foot tall, 14-foot by 48-foot Off-Premise Advertising Signs (Billboards) on this site. The Planning Commission recommended approval, with the condition that the northern billboard sign be removed within 60 days. |
| 02/08/01 | The Planning Commission accepted the applicants request to Withdraw without Prejudice a Site Development Plan Review [Z-0095-84(1)] for a proposed 70,976 athletic/fitness club with retail uses on the northern portion of the site. |

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| 08/21/02 | The City Council approved a Required two-year Review [U-0055-89(3)] on an approved Special Use Permit for two (2) 40-foot tall, 14-foot by 48-foot Off-Premise Advertising Signs (Billboards) on this site. The off-premise signs will be subject to a Required two-year Review. The Planning Commission recommended denial, citing the incompatibility of the signs with new development in the area. |
| 03/19/03 | The City Council approved a Site Development Plan Review (SDR-1527) for a 88,372 square-foot athletic/fitness club with retail uses on the northern portion of the site. The Planning Commission and staff recommended approval. |
| 07/16/03 | The City Council approved a Variance (VAR-2292) to allow a proposed 65-foot tall Off-Premise Advertising Sign (Billboard) on this site where 40 feet is the maximum height permitted and a Special Use Permit (SUP-2291) for a proposed 65-foot tall, 14-foot by 48-foot Off-Premise Advertising Sign (Billboard). The Planning Commission and staff recommended denial. |
| 09/07/05 | The City Council approved a Review of Condition (ROC-8320) of Condition Number 11 of an approved Site Development Plan Review (SDR-1527) to allow approval of a required Master Sign Plan by the Planning Commission only where both Planning Commission and City Council are required to approve in conjunction with a Health Club. Staff recommended approval of the subject case. |
| 11/16/05 | The City Council approved a Master Sign Plan (MSP-8319) for a proposed commercial development on 14.09 acres at 1725 North Rainbow Boulevard. The Planning Commission and staff recommended denial. |
| 04/13/06 | The Planning Commission approved a Site Development Plan Review (SDR-11443) for an existing 285 space parking lot and a waiver of the perimeter landscape buffer requirements. Staff recommended denial. |
| 04/27/06 | The Planning Commission approved a request for a Tentative Map (TMP-12137) for a one-lot commercial subdivision on 13.9 acres at 1725 North Rainbow Boulevard. Staff recommended approval. |
| 05/17/06 | The City Council approved a Required two-year Review [U-0055-89(3)] on an approved Special Use Permit for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising Sign (Billboard) on this site, subject to a required five-year review. The Planning Commission recommended denial, citing the incompatibility of the signs with new development in the area. |
| 01/05/07 | Staff administratively approved a Site Development Plan Review (SDR-18829) for a proposed 222 space expansion of an existing parking lot. |
| 03/08/07 | The Planning Commission tabled a Site Development Plan Review (SDR-19276) for an 80,000 square foot three-story office building and a three-level parking garage on southern portion of the 14.09 acres at 1725 North Rainbow Boulevard. Staff had recommended approval. |

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| 04/18/07 | The City Council approved a Master Sign Plan (MSP-19558) to amend a previously approved Master Sign Plan (MSP-8319) for a commercial development on 14.09 acres at 1725 North Rainbow Boulevard. The Planning Commission and staff recommended approval. This requested amendment approved a proposed additional tenant sign on the east elevation, to allow channel letters versus the approved vinyl letters, and to allow increased signage area per tenant signs. |
| 04/18/07 | Staff administratively approved a Final Map Technical Review (FMP-20777) for a one-lot commercial subdivision on 13.9 acres at 1725 North Rainbow Boulevard. This map has not recorded as of 10/12/07. |
| 10/25/07 | Staff administratively approved a Minor Site Development Plan Review (SDR-24481) for a parking lot. |
| <i>Related Building Permits</i> | |
| 11/19/04 | Sign permit #3020400 for an Off-Premise Sign (Billboard) located at 1851 North Rainbow Boulevard was issued and reviewed under Plan Check #L-3594-03. The Building and Safety Department completed action on the sign permit with a #225 final sign inspection on 06/17/04. |
| <i>Pre-Application Meeting</i> | |
| A pre-application meeting is not required, nor was one held. | |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |

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| <i>Field Check</i> | |
| 05/23/08 | A field check was made by staff with the following observations: <ul style="list-style-type: none"> • There are no embellishments, moving parts, or electronic displays located on the sign. • There are bird deterrent devices and pans presently installed. • The sign and its supporting structure are free of graffiti and properly maintained. |

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| <i>Details of Application Request</i> | |
| <i>Site Area</i> | |
| Net Acres | 13.2 acres |

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| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|---|--|--|
| Subject Property | Health Club | SC (Service Commercial) | C-1 (Limited Commercial) |
| North | Hotel, Motel, or Hotel Suites | SC (Service Commercial) | C-2 (General Commercial) |
| South | Commercial Recreation/Amusement (Outdoor) Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| East | Single Family Detached/ Undeveloped/ General Retail and Service Station | ML (Medium-Low Density Residential)/ SC (Service Commercial) | R-CL (Residential Compact-Lot)/ U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation]/ C-1 (Limited Commercial) |
| West | Interstate 95 | ROW (Interstate) | ROW (Interstate) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | NA |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Billboard Exclusionary Zone exempt area | X | | Y |
| A-O (Airport Overlay) District | X | | Y |
| Trails | | X | |
| Rural Preservation Overlay District | | X | |
| Development Impact Notification Assessment | | X | |
| Project of Regional Significance | | X | |

Billboard Exclusionary Zone

The subject property is located within the Billboard Exclusionary Zone. However, this sign is exempt from the prohibition as it is located within 660 feet of the Oran K. Gragson Highway (U.S. 95).

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Airport Overlay District

The subject sign is located within the Airport Overlay District. The existing 65-foot tall Off-Premise Advertising Sign (Billboard) does not exceed the 175-foot maximum height limit; therefore, no action is required.

DEVELOPMENT STANDARDS

| Standards | Code Requirement | Provided | Compliance |
|------------------|--|--|-------------------|
| Location | No off-premise sign may be located within the public right-of-way | The Off-Premise Sign (Billboard) is located on-site, out of the public right-of-way. | Y |
| Zoning | Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only | The existing sign is located within the C-1 (Limited Commercial) Zoning 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. | The total surface area of each side of the Off-Premise Sign (Billboard) is 672 square-feet. | Y |
| Height | No higher than 40 feet from grade at the point of construction | The sign is 65-feet tall | Y |
| Setback | Off-premise signs shall not be located closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways. | The Off-Premise Sign (Billboard) is 1,280 feet away from the closest intersection of North Rainbow Boulevard and Vegas Drive | Y |

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| Screening | All structural elements of an off-premise sign to which the display panels are attached shall be screened from view. | The structural elements open towards the east-facing portion of the sign are appropriately 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. | The Off-Premise Sign (Billboard) is permanently secured to the ground on non-residential property. | Y |

ANALYSIS

This is the first review of Special Use Permit (SUP-2291) for a 65-foot tall Off-Premise Sign (Billboard) located within the C-1 (Limited Commercial) zoning district, at 1851 North Rainbow Road. Upon a site inspection on 5/23/08 staff found the sign was in good condition, with no embellishments, graffiti, or additional signs per face. A research of the building permit history found that this sign received a final inspection on 06/17/04.

FINDINGS

This sign does not comply with all development standards and is located at the rear of an Athletic/Fitness club within the C-1 (Limited Commercial) zoning district. The Off-Premise Sign (Billboard) is located more than 300 feet from residentially-zoned property and more than 750 feet from the nearest Off-Premise Sign (Billboard). This sign is located within the Exempt Zone of the Off-Premise Sign Exclusionary Zone which prohibits these types of signs within its boundaries. Staff finds that there is no adverse impact regarding the continued use of this sign at this time since no significant changes in development or land use has occurred in the surrounding area since the initial installation of the sign. Therefore, staff recommends approval, subject to a five-year review.

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 335

APPROVALS 1

PROTESTS 6