

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-29727 - APPLICANT/OWNER: GATEWAY MOTEL, INC.**

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

1. Conformance to the conditions for Special Use Permit (U-0028-01), if approved.
2. This Special Use Permit shall be reviewed in three (3) 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 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 sign is voluntarily demolished, this Special Use Permit (U-0028-01) shall be expunged and a new Off-Premise Sign (Billboard) shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a required one year review of an approved Special Use Permit (U-0028-01) which allowed a 40-foot tall, 24-foot x 28-foot Off-Premise Sign (Billboard) at 928 South Las Vegas Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/16/01	The City Council granted an appeal of the Planning Commission denial of a Special Use Permit (U-0028-01) for a proposed 45-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) on the subject site, subject to review in one year. The Planning Commission and staff recommended denial.
08/07/02	The City Council granted an appeal of the Planning Commission denial of a Required One Year Review [U-0028-01(1)] of an approved Special Use Permit allowing a 40-foot high, 28-foot by 24-foot Off-Premise Sign (Billboard) on the subject site, subject to review in one year. Staff recommended denial.
11/20/03	The City Council granted an appeal of the Planning Commission denial of a Required One Year Review (RQR-3024) of an approved Special Use Permit (U0028-01), which allowed a 40-foot high, 28-foot by 24-foot Off-Premise Sign (Billboard) on the subject site, subject to review in one-year. Staff recommended denial.
05/05/04	The City Council adopted Ordinance No. 5694 establishing the Las Vegas Boulevard Scenic Byway Overlay District and associated standards.
12/15/04	The City Council granted an appeal of the Planning Commission denial of a Required One Year Review (RQR-5247) of an approved Special Use Permit (U0028-01), which allowed a 40-foot high, 28-foot by 24-foot Off-Premise Sign (Billboard) on the subject site, subject to review in one year. Staff recommended denial.
06/29/05	The Department of Neighborhood Services Code Enforcement Case #32050 issued a correction notice to the property owner at 928 Las Vegas Boulevard South stating that the existing Off-Premise Sign (Billboard) was in violation of Condition #1 of Required review (RQR-5247), which required at least 75% neon on the total sign surface within six months of approval.
09/07/05	City Council approved a Review of Condition #1 (ROC-7358) that requires 75% of the surface of the Off-Premise Sign (Billboard) on the subject site. Staff recommended denial.

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09/22/05	The Planning Commission approved a request for a Variance (VAR-8496) to allow an existing Off-Premise Sign (Billboard) with less than 75% neon or animated illumination to be located within the Las Vegas Boulevard Scenic Byway Overlay District adjacent to the northwest corner of Charleston Boulevard and Las Vegas Boulevard.
01/03/07	The City Council tabled a Required One Year Review (RQR-17518) of an approved Special Use Permit (U-0028-01), which allowed a 24-foot X 28-foot Off-Premise Sign (Billboard) at 928 Las Vegas Boulevard South. The Planning Commission recommended approval on 12/07/06 with staff recommending denial.
<i>Related Building Permits/Business Licenses</i>	
07/18/01	Sign permit #01-013065 was issued against plan check #L-0468-01 for 40-foot tall Off-Premise Sign (Billboard) located at 928 Las Vegas Boulevard South. A final 225 sign inspection was completed 09/04/01.
<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.	

<i>Field Check</i>	
09/30/08	A field inspection was carried out by staff with the following observations: <ul style="list-style-type: none"> • The subject site was found to have graffiti written on the pole, • Bird droppings found on the structure and parking lot area below the sign panels. • All structural elements are adequately screened

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.68 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Motel	C (Commercial)	C-2 (General Commercial)
North	Restaurant	MXU (Mixed Use)	C-2 (General Commercial)
South	Convenience Store	C (Commercial)	C-2 (General Commercial)
East	Financial Institution, Specified	C (Commercial)	C-2 (General Commercial)
West	Apartments/ Motel	C (Commercial)	C-2 (General Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
Live/Work Overlay District	X		NA
Las Vegas Boulevard Scenic Byway Overlay District	X		Y*
Trails			NA
Rural Preservation Overlay District			NA
Development Impact Notification Assessment			NA
Project of Regional Significance			NA

*A Variance (VAR-8496) to allow an existing Off-Premise Sign (Billboard) with less than 75% neon or animated illumination to be located within the Las Vegas Boulevard Scenic Byway Overlay District was approved by the Planning Commission on 09/22/05.

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign (Billboard) may be located within the public right-of-way or within the LV Scenic Byway	Located outside of public right-of-way and outside of the Exclusionary Zone	Y
Zoning	Off-Premise Signs (Billboards) are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within the C-2 (General Commercial) zoning district	Y
Area	No Off-Premise Signs (Billboards) 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.	672 SF with no embellishments	Y
Height	No higher than 40 feet from grade at the point of construction; may be raised to maximum of 55 feet with approval of City Council if significantly obscured from view of travel lanes	Maximum height of 40 feet from grade	Y

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Screening	All structural elements of an Off-Premise Sign (Billboard) to which the display panels are attached shall be screened from view.	Screened from view by sign panels	Y
Off-Premise Sign (Billboard)	At least 300 feet to another Off Premise Sign	460 feet from another billboard to the east and 460 feet from another billboard to the south	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	326 feet from R zoned property to the northwest.	Y
Other (18b The Arts District)	All Off-Premise Sign (Billboard) shall be directly mounted to and flush with the wall of a structure, and shall not be freestanding.	Freestanding sign permanently secured to ground.	N

ANALYSIS

This is the fifth required review of a Special Use Permit to allow an Off-Premise Sign (Billboard) since its initial approval by the City Council on 05/16/01. The Off-Premise Sign (Billboard) is located within the Downtown Centennial Plan - 18b Arts District where such use is only permitted with approval of a Special Use Permit for a billboard that is flush-mounted to a building. The free-standing configuration of this Off-Premise Sign (Billboard) does not conform to the 18b Arts District requirements for Off-Premise Advertising to be flush with the wall of a building.

Additionally, a state of Nevada Scenic Byway designation was given to properties fronting on Las Vegas Boulevard from Sahara Avenue to Washington Avenue on 11/28/01. The National Scenic Byways guidelines state that no new outdoor advertising (billboard) is permitted along a byway once it is designated a State Byway. Accordingly, no new Special Use Permits for Off-Premise Signs (Billboards) may be granted for such uses along this portion of Las Vegas Boulevard.

FINDINGS

The Off-Premise Sign (Billboard) under review is located within the Arts District portion of the Downtown Overlay and is governed by the general development standards of the Downtown Centennial Plan. Per the permitted uses for the 18b Arts District, a billboard use is only permitted with an approved Special Use Permit for flush-mounted signs. Additionally, the Las Vegas Boulevard Scenic Byway Corridor Management Plan prohibits on the use of an Off-Premise Sign (Billboard). Although this sign was originally approved prior to this restriction, it does not provide a positive contribution to either the Scenic Byway or the Las Vegas Arts District.

Therefore, staff recommends denial of this review, subject to a three year review, if approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 367

APPROVALS 1

PROTESTS 4