

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-30592 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: JAY AND DENISE HARRISON FAMILY TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Variance (V-0023-89), if approved.
2. This Variance shall be reviewed in three (3) years at which time the City Council may require the Off-Premise Advertising (Billboard) 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 Advertising (Billboard) Sign is removed.
3. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.
4. The Off-Premise Advertising (Billboard) 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 Advertising (Billboard) Sign.
5. 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 Advertising (Billboard) Sign.
6. If the existing off-premise sign is voluntarily demolished, this Variance 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.
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 a required two-year review of an approved Variance (V-0023-89) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) located 265 feet from an existing Off-Premise Sign (Billboard), where 300 feet is the minimum distance separation required at 5301 West Charleston Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/04/87	The City Council approved a request for a Rezoning (Z-0004-87) of property located on the south side of West Charleston Boulevard, between Lindell Road and Wilshire Street from N-U (Non-Urban) to C-1 (Limited Commercial) for a proposed Plant/Nursery Storage. The Planning Commission recommended approval on 02/12/87.
05/29/87	The City Council approved a request for a Variance (V-0036-87) to allow the storage of live plants in conjunction with an adjacent commercial Nursery, where such commercial use is not allowed. The Board of Zoning Adjustment recommended approval on 04/23/87.
06/07/89	The City Council approved a request for a Variance (V-0023-89) to relocate an existing Off-Premise Sign (Billboard) to a new location 100 feet from an existing Off-Premise Sign (Billboard) and 265 feet from another Off-Premise Sign (both across Charleston Boulevard), where a 300-foot separation is required on property located on the south side of Charleston Boulevard, approximately 460 feet of Lindell Road. The Board of Zoning Adjustment recommended denial on 04/27/89.
07/03/91	The City Council approved a request for a Rezoning (Z-0048-91) of property located on the south side of Charleston Boulevard, east of Lindell Road from N-U (Non-Urban) to C-1 (Limited Commercial) for proposed Retail Shops and Storage Facility. The Planning Commission recommended approval on 06/13/91.
06/17/92	The City Council approved a request for a Five-Year Required Review on an approved Variance [V-0036-87(1)], which allowed the storage of live plants in conjunction with an adjacent commercial nursery, where such use is not allowed. The Board of Zoning Adjustment recommended approval on 05/26/92.

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06/15/94	The City Council approved a Five-Year Required Review [V-0023-89(1)] on an approved Variance (V-0023-89), which allowed the relocation of an existing Off-Premise Sign (Billboard) to a new location 100 feet from an existing Off-Premise Sign (Billboard) and 265 feet from another Off-Premise Sign (both across Charleston Boulevard), where a 300-foot separation is required on property located on the south side of Charleston Boulevard, approximately 460 feet of Lindell Road.
06/23/97	The City Council approved a request for a Five-Year Required Review [V-0036-87(2)], which allowed the storage of live plants in conjunction with an adjacent commercial nursery, where such use is not allowed. The Board of Zoning Adjustment recommended approval on 06/03/97.
09/15/99	The City Council approved a Five-Year Required Review [V-0023-89(2)] of an approved Variance (V-0023-89), which allowed the relocation of an existing Off-Premise Sign (Billboard) to a new location 100 feet from an existing Off-Premise Sign (Billboard) and 265 feet from another Off-Premise Sign (both across Charleston Boulevard), where a 300-foot separation is required on property located on the south side of Charleston Boulevard, approximately 460 feet of Lindell Road. The Board of Zoning Adjustment recommended approval on 08/03/99.
01/13/00	The Planning Commission approved a request for a Site Development Plan Review (SD-0036-99) for a proposed 10,418 square-foot addition to an existing 8,271 square-foot Nursery Building at 5301 West Charleston Boulevard.
10/17/01	The City Council approved a request for a Two-Year Required Review [V-0023-89(3)], which allowed the relocation of an existing Off-Premise Sign (Billboard) to a new location 100 feet from an existing Off-Premise Sign (Billboard) and 265 feet from another Off-Premise Sign (both across Charleston Boulevard), where a 300-foot separation is required on property located on the south side of Charleston Boulevard, approximately 460 feet of Lindell Road. The Planning Commission recommended approval on 09/06/01.
11/04/03	A Vehicle Infraction (16394) was processed and closed for a vehicle for sale on a vacant lot.
05/17/04	A Code Enforcement case (15139) was processed for graffiti on the chain link (with slats) fence surrounding the property. The case was closed on 06/04/04.
06/07/06	The City Council approved the Appeal of a request for a Five-Year Required Review (RQR-12232) of an approved Variance (V-0023-89), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 5301 West Charleston Boulevard. The Planning Commission denied the request on 04/27/06.

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12/06/06	The City Council approved a request for a Six-Month Required Review (RQR-17662), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) 265 feet from an existing Off-Premise Sign (Billboard) (across Charleston Boulevard), where a 300-foot separation is required at 5301 West Charleston Boulevard.
<i>Related Building Permits/Business Licenses</i>	
01/24/90	A building permit (90054326) was issued for the installation of an Off-Premise Sign (Billboard) at 5301 West Charleston Boulevard. The permit was finalized on 03/01/90.
02/15/90	A building permit (90057393) was issued for repairs to an Off-Premise Sign (Billboard) at 5301 West Charleston Boulevard. The permit was finalized on 02/16/90.

<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
10/14/08	Staff conducted a field check of the site with the following observations: <ul style="list-style-type: none"> • Then sign faces were in good condition • There were bird dropping on the structure from the bottom of the sign to the ground • The ground area surround the sign had an excessive accumulation of bird droppings

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.74 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Plant Nursery	SC (Service Commercial)	C-1 (Limited Commercial)
North	Tavern	SC (Service Commercial)	R-1 (Single Family Residential) with a Resolution of Intent to C-1 (Limited Commercial)
	Recreational Instruction	SC (Service Commercial)	C-1 (Limited Commercial)

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South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
West	Vacant Land	ML (Medium Low Density Residential)	U(ML) [Undeveloped (Medium Low Density Residential) General Plan designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District	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

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within the public right-of-way	Sign is not in public right-of-way	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Sign is located in 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.	Sign is 672 square feet in size. The sign does not have an embellishment.	Y

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Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structure elements of the sign are adequately screened from public view	Y
Off-Premise Sign (Billboard)	The sign and all other off-premise signs not oriented towards the same highway shall be no closer than 300 feet in any direction to any other off-premise sign.	Sign is 265 feet from another off-premise sign	Y*
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	The sign is approximately 180 feet from property zoned with a Resolution of Intent to R-PD8 (Residential Planned Development- 8 Units per Acre)	N**
Other	All Off-Premise Signs (Billboards) shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on C-1 (Limited Commercial) zoned property.	Y

* The City Council approved a Variance (V-0023-89) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) located 265 feet from an existing Off-Premise Sign (Billboard), where 300 feet is the minimum distance separation required.

** The Off-Premise Sign (Billboard) was constructed March 1990. The City Council approved a Rezoning (ZON-5121) of property located approximately 180 feet to the west of the subject site from C-2 (General Commercial) to R-PD8 (Residential Planned Development 8 Units per Acre) on 12/15/04. An Extension of Time (EOT-18785) was later approved for the Rezoning with an expiration date of 12/15/08.

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ANALYSIS

This is the sixth required review since the initial approval of the Variance (V-0023-89) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard). The sign is located in the parking lot of a Plant Nursery located at 5301 West Charleston, which is in a C-1 (Limited Commercial) zoning district. During the site visit, staff observed a large accumulation of bird feces in the parking lot surrounding the sign, in addition to the droppings on the sign structure.

Since the initial approval of the Off-Premise Sign, property approximately 180 feet to the west has been rezoned from C-2 (General Commercial) to R-PD8 (Residential Planned Development 8 Units per Acre). Title 19.14.100 requires an Off-Premise Sign (Billboard) to be a minimum of 300 feet from any property line in a U (Undeveloped) zoning district or R zoning district. The sign no longer meets the required distance separation from residential property; therefore, staff is recommending denial, subject to a three (3) year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 388

APPROVALS 0

PROTESTS 2