



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-30584 - APPLICANT/OWNER: FISHER BROTHERS LAS VEGAS, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

***Planning and Development***

1. Conformance to the conditions for Variance (V-0058-94), if approved.
2. This Special Use Permit shall be placed on an agenda closest to 12/01/11 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. 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.
4. If the existing off-premise sign is voluntarily demolished, this Variance (V-0058-94) 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.
5. 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 in response to a required review of an approved Variance (V-0058-94) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) 600 feet from another Off-Premise Sign where 750 feet is the minimum separation required at 2900 Sirius Avenue.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/22/83	The Board of Zoning Adjustment approved a request for a Variance (V-0119-83) to allow an air-supported vinyl roofed structure (enclosing a miniature golf course) to be considered an Open Recreation Facility for the purposes of parking requirements.
10/09/86	The Planning Commission approved a request for a Plot Plan Review (Z-0056-74) regarding proposed retail/wholesale shops and offices on property located on the southwest corner of Rancho Drive and Meade Avenue.
09/16/92	The City Council approved a request for a Special Use Permit (U-0168-92) to allow a 14-foot by 48-foot Off-Premise Sign (Billboard) at 2900 Sirius Avenue. The Board of Zoning Adjustment recommended approval on 07/28/92.
06/15/94	The City Council approved a request for a Variance (V-0058-94) to allow a proposed 14-foot by 48-foot Off-Premise Sign (billboard); and to allow the sign 600 feet from another Off-Premise Sign where a 750-foot distance separation is required. The Board of Zoning Adjustment recommended approval on 05/24/94.
02/19/03	The City Council approved a request for a Required Review (RQR-1143) of an approved Special Use Permit (U-0168-92) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2900 Sirius Avenue. The Planning Commission recommended approval on 11/21/02.
11/03/04	The City Council approved a request to Amend a portion of the Southeast Sector Plan of the General Plan (GPA-5097) from LI/R (Light Research/Industry) to SC (Service Commercial) on 5.25 acres adjacent to the northwest corner of rancho Drive and Sirius Avenue. The Planning Commission recommended approval on 10/07/04.
11/03/04	The City Council approved a request for a Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial) on 5.24 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission recommended approval on 10/07/04.

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11/03/04	The City Council approved a request for a Special Use permit (SUP-5107) for a proposed 50-story, 560-foot tall Mixed-Use Development adjacent to the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission recommended approval on 10/07/04.
11/03/04	The City Council approved a request for a Site Development Plan Review (SDR-5104) and a Waiver to allow 75 percent lot coverage area where 50 percent is the maximum allowed for a proposed 50-story, 560-foot tall Mixed Use Development containing 700 residential units and 20,000 square feet of retail uses adjacent to the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission recommended approval on 10/07/04.
03/24/05	The Planning Commission accepted the applicants request to Withdraw Without Prejudice a request for a Variance (VAR-5945) to allow tandem parking spaces in excess of 30 percent of the overall required parking for a 50-story mixed-use project adjacent to the northwest corner of Rancho Drive and Sirius Avenue.
06/09/05	The Planning Commission approved a request for a Tentative Map (TMP-6580) for a mixed-use subdivision with 703 residential units and one commercial unit on 5.32 acres located at 2900 Sirius Avenue.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan Area and within the proposed Redevelopment Plan Expansion Area. The Planning Commission Tabled the request on 01/26/06.
10/04/06	The City Council approved a request for an Extension of Time (EOT-16026) of an approved Special Use Permit (SUP-5107) that allowed a 50-story, 560-foot tall Mixed Use Development on 5.25 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue.
10/04/06	The City Council approved a request for an Extension of Time (EOT-16027) of an approved Site Development Plan Review (SDR-5104) that allowed a 50-story, 560-foot tall Mixed Use Development containing 700 residential units and 20,000 square feet of retail uses on 5.25 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue.
05/07/08	The City Council approved a request for a Require Review (RQR-26324) of an approved Special Use Permit (U-0168-92), for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2900 Sirius Avenue. The Planning Commission recommended approval on 03/27/08.
<b><i>Related Building Permits/Business Licenses</i></b>	
08/04/94	A building permit (94342863) was issued to relocate an existing sign to the northeast corner on the property at 2900 Sirius Avenue (case: U-0168-92). The permit was finalized on 03/06/95.
08/11/94	A building permit (94343626) was issued for a billboard sign located at the southeast corner on the property at 2900 Sirius Avenue (case V-0058-94). The permit was finalized on 09/21/94.

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<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
10/29/08	Staff conducted a field inspection of the site with the following observations: <ul style="list-style-type: none"> <li>• The sign and structure were in good condition, free of graffiti, and did not require any repainting.</li> <li>• All structural elements were properly screened</li> <li>• The subject billboard has an embellishment, which meets Title 19.14.100 requirements</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	4.39

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant Land-proposed Mixed Use Development	C (Commercial)	M (Industrial) with a Resolution of Intent to C-1 (Limited Commercial)
North	Offices	C (Commercial)	M (Industrial)
South	Vacant Land	C (Commercial)	M (Industrial)
East	ROW (Right-of-Way)	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Warehouses	LI/R(Light Research/Industrial)	M (Industrial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District (175 feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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**DEVELOPMENT STANDARDS**

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>	<b>Compliance</b>
Location	No Off-Premise Advertising Sign (Billboard) may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas.	Sign is not located in public right-of-way nor is it in the Off-Premise Sign Exclusionary Zone	Y
Zoning	Off-Premise (Billboard) Signs are permitted in the C-1, C-2, C-V, C-M, and M Zoning Districts only.	Sign is located in a M (Industrial) zoning district with a Resolution of Intent to C-1 (Limited Commercial)	Y
Area	No Off-Premise Advertising (Billboard) Signs 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 surface area of each sign face does not exceed 672 square feet; the embellishment does not exceed five feet above the rectangular surface of the sign and is 116.25 square feet.	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.	The sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise (Billboard) Sign to which the display panels are attached shall be screened from view.	Sign is adequately screened from public view	Y
Off-Premise Sign (Billboard)	The sign and all other off-premise signs not oriented towards US-95 shall be no closer than 300 feet in any direction to any other off-premise sign.	The sign is 600 feet from another Off-premise Sign (Billboard) and is located along I-15	N*

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Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	The sign at more than 300 feet to the nearest property line of a lot in any R zoned district	Y
Other	All Off-premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located on property used for residential purposes	Y

\*N The City Council approved a Variance (V-0058-94) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) to be 600 feet from another Off-Premise Sign where 750 feet is the minimum required.

**ANALYSIS**

This is the first required review since the initial approval of a Variance (V-0058-94) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) 600 feet from another Off-Premise Sign where 750 feet is the minimum separation required at 2900 Sirius Avenue. During a site inspection, staff found the sign and structure in good condition with no bird nuisance problems. A research of building permit activity found that the billboard was constructed under sign permit #94343626, and received final inspection on 03/06/95 under the address of 2900 Sirius Avenue.

The subject sign does have an embellishment. Title 19.14.100(C) (4) states an embellishment is permitted on a sign if it does not exceed five feet above the rectangular surface of the sign and is not more than 128 square feet in size. The subject embellishment is five feet above the surface of the sign and 116.25 square feet in size, therefore meets Title 19.14.100 requirements.

Since the initial approval of the Variance, there has been no tangible redevelopment within the surrounding area. However, there has been a recent approval of entitlements (SDR-5104 and SUP -5107) for a proposed 50-story, 560-foot tall Mixed Use development consisting of 700 residential units and 20,000 square feet of retail space on 5.25 acres adjacent to the northwest corner of Rancho Drive and Sirius Avenue.

**FINDINGS**

The sign is located in an M (Industrial) zoning district with a Resolution of Intent to C-1 (Limited Commercial), and is not within the Off-Premise Sign Exclusionary Zone. The embellishment above the sign meets Title 19.14.100 requirements.

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Although no construction has begun on the proposed Mixed Use development, staff finds that the continuation of this Off-Premise Sign at this location is not encouraged over the long term, as it is not conducive to the proposed redevelopment. Staff recommends approval of this review, subject to another review of the Variance (V-0058-94) to be completed in three (3) years.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**            9

**ASSEMBLY DISTRICT**            10

**SENATE DISTRICT**            7

**NOTICES MAILED**            66

**APPROVALS**            0

**PROTESTS**            0