

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-31805 - APPLICANT/OWNER: ACOSTA ENTERPRISES III, LLC**

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

1. Conformance to the conditions for Special Use Permit (U-0039-90), if approved.
2. This Special Use Permit shall be placed on an agenda closest to June 6, 2014 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 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.
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U0039-90) 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.

RQR-31805 - Staff Report Page One
January 22, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Required Review of an approved Special Use Permit (U-0039-90) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3700 East Charleston Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/17/65	The Board of City Commissioners approved a request for Rezoning (Z-0108-64) from R-2 (Two-Family Residential) to C-1 (Limited Commercial) on property generally located on the north side of East Charleston Boulevard, 300 feet east of Pecos Road. The Planning Commission recommended approval on 02/11/65.
02/21/73	The Board of City Commissioners approved a request for Rezoning (Z-0008-73) from R-2 (Two-Family Residential) to C-M (Commercial/Industrial) on property generally located on the north side of East Charleston Boulevard between Pecos Road and Shiloah Street, approximately 300 feet east of Pecos Road. The Planning Commission recommended approval on 02/08/73.
04/06/83	The Board of City Commissioners approved a request for Rezoning (Z-0018-83) from R-2 (Two-Family Residential), R-1 (Single Family Residential), and C-1 (Limited Commercial) to C-M (Commercial/Industrial) for contractors offices and a storage facility on property generally located on the north side of Charleston Boulevard between Pecos Road and Shiloh Drive. The Planning Commission recommended approval on 03/10/83.
06/06/90	The City Council approved a request for a Special Use Permit (U-0039-90) to construct a 55-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3700 East Charleston Boulevard. The Board of Zoning Adjustment recommended denial on 04/26/90.
02/23/98	The City Council rescinded and approved a previously denied request for a Required Review [U-0039-90(1)] of an approved Special Use Permit (U-0039-90) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign at 3700 East Charleston Boulevard. The Board of Zoning Adjustment recommended denial on 07/25/95.
09/05/03	A Code Enforcement case (01768) was processed for a furniture store displaying merchandise outside at 3700 East Charleston Boulevard. The case was closed on 09/05/03.

RQR-31805 - Staff Report Page Two
January 22, 2009 - Planning Commission Meeting

07/12/06	The City Council approved a request for a Special Use Permit (SUP-13198) for Accessory Packaged Liquor Off-Sale Establishment within a proposed Grocery Store at 3700 East Charleston Boulevard. The Planning Commission recommended approval on 06/08/06.
06/26/07	A Temporary Sign Permit (TSP-22868) was issued for a temporary banner at 3700 East Charleston Boulevard. The permit was valid from 06/26/07 through 08/25/07.
03/12/08	A Code Enforcement case (63334) was processed for temporary window signs at 3700 East Charleston Boulevard. The case was closed on 04/01/08.
12/09/08	A Code Enforcement case (72664) was processed for 6-7 yard sales taking place in the parking lot of the business at 3700 East Charleston Boulevard. The case is still open.
<i>Related Building Permits/Business Licenses</i>	
06/08/90	A building permit (90070988) was issued for a double-faced billboard sign at 3700 East Charleston Boulevard. The permit was finalized on 10/05/90.
09/04/90	A building permit (90081404) was issued for illuminating a 14-foot by 48-foot billboard sign at 3700 East Charleston Boulevard. The permit was finalized on 10/05/90.
03/07/07	A business license (C14-00503) was issued for a Clinic at 3700 East Charleston Boulevard, Suite 140. The license is still active.
07/05/07	A business license (K10-00248) was issued for an Insurance Firm at 3700 East Charleston Boulevard, Suite 130. The license is still active.
10/10/07	A business license (G05-01988) was issued for a Grocery Store at 3700 East Charleston Boulevard, Suite 120. The license is still active.
10/10/07	A business license (L15-00137) was issued for a Package Liquor License at 3700 East Charleston Boulevard, Suite 120. The license is still active.
10/10/07	A business license (C05-02511) was issued for a Tobacco Dealer at 3700 East Charleston Boulevard, Site 120. The license is still active.
05/21/08	A business license (P27-00441) was issued for DMV Services at 3700 East Charleston Boulevard, Suite 120. The license is still active.
07/03/08	A business license (C20-02330) was issued for Convention hall Gaming Tax at 3700 East Charleston Boulevard, Suite 120. The license is still active.
07/11/08	A business license (G01-02329) was issued for Restricted Gaming at 3700 East Charleston Boulevard, Suite 120. The license is still valid.
08/12/08	A business license (T18-00850) was issued for Cell Phone sales at 3700 East Charleston Boulevard, Suite 120. The license is still active.
08/25/08	A business license (Q13-00431) was issued for a Law Firm at 3700 East Charleston Boulevard, Suite 150. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

RQR-31805 - Staff Report Page Three
January 22, 2009 - Planning Commission Meeting

Field Check	
12-22-08	Staff conducted a field inspection of the site with the following observations: • One side of the sign displayed two advertising panels with one requiring a uniformly painted blank panel or a new advertising message • There are no embellishments, moving parts, or electronic displays located on the sign. • The supporting structure is in good condition and free of graffiti

Details of Application Request	
Site Area	
Gross Acres	2.02

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
	Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Residential	RS (Residential Suburban)- Clark County	R-1 (Single-Family Residential)- Clark County
East	Apartments	GTC (General Tourist Commercial)	C-1 (Limited Commercial)
West	Warehouse	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
	Vacant land	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
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

RQR-31805 - Staff Report Page Four
January 22, 2009 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not within the public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Off-Premise 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; and it does not have an embellishment.	Y
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 55 feet tall.	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements of the sign are properly screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is at least 300 feet from another sign.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R or U zoned districts.	Residential property is located approximately 260 feet and another zero feet from the subject sign.	N**

RQR-31805 - Staff Report Page Five
January 22, 2009 - Planning Commission Meeting

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.	Sign is permanently secured to the ground and is not located on residentially zoned property.	Y
-------	---	---	---

* Special Use Permit (U-0039-90) approved the Off-Premise Sign (Billboard) at a height of 55 feet.

** There are apartments located approximately 260 feet to the north-northeast of the subject billboard that is R-3 (Medium-Low Density Residential) zoned property, in addition to a parcel west of the subject site zoned R-2 (Low Density Residential) with zero-foot distance separation.

ANALYSIS

This is the second Required Review of an approved Special Use Permit (U-0039-90) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3700 East Charleston Boulevard. A research of the building permit activity found that permits #90070988 and #90081404 were issued for the construction and illumination of the sign, both receiving final inspection on 10/05/90 under the address of 3700 East Charleston Boulevard. During a site inspection, staff found that one side of the sign had a double facing requiring a uniformly painted blank panel or new advertisement message as the area was shredded and dirty.

There are apartments located approximately 260 feet to the north-northeast of the subject billboard that is R-3 (Medium Density Residential) zoned property, in addition to a parcel west of the subject site zoned R-2 (Low Density Residential) with a zero-foot distance separation.

FINDINGS

This sign is located within a C-1 (Limited Commercial) zoning district. The Off-Premise Sign (Billboard) is located approximately 260 feet from residentially zoned property to the north-northwest and has a zero-foot distance separation from property directly to the west of the subject site, where Title 19.14.100 requires 300 feet. Staff finds that there is no adverse impact regarding the continued use of the sign, as there have been no significant changes in development or land use in the surrounding area since the initial approval and installation of the sign; therefore, staff recommends approval, subject to a five-year review.

RQR-31805 - Staff Report Page Six
January 22, 2009 - Planning Commission Meeting

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 266

APPROVALS 0

PROTESTS 1