

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-31834 - APPLICANT/OWNER: LE DANG FAMILY LIVING TRUST

**** CONDITIONS ****

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

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0173-94), if approved.
2. Payment of the required application and notification fees totaling \$800.00, and the applicable documents within 10 days of City Council.
3. This Special Use Permit shall be placed on an agenda closest to August 17, 2014 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.
4. 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).
5. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U0173-94) 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.
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 request is for a Required Review of an approved Special Use Permit (U-0173-94) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2390 North Decatur Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/24/63	The Board of City Commissioners approved a request for Rezoning (Z-0061-63) from R-1 (Single Family Residential) to R-3 (Medium Density Residential) on property generally located on the east side of Decatur Boulevard between Coran Lane and Smoke Ranch Road. The Planning Commission recommended approval on 04/11/63.
08/17/94	The City Council approved a request for a Special Use Permit (U-0173-94) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2390 North Decatur Boulevard. The Board of Zoning Adjustment recommended approval on 07/26/94
10/06/99	The City Council approved a request for a Required Review [U-0173-94(1)] on an approved Special Use Permit (U-0173-94) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2390 North Decatur Boulevard. The Planning Commission recommended approval on 08/26/99.
05/11/04	A Code Enforcement case (14501) was processed for the dumpsters not being kept closed at 2390 North Decatur Boulevard. The case was closed 06/09/04.
<i>Related Building Permits/Business Licenses</i>	
01/10/92	A business license (C20-01491) was issued for Convention Hall Gaming Tax at 2390 North Decatur Boulevard. The license is still valid.
01/10/92	A business license (G01-01491) was issued for Gaming Restricted at 2390 North Decatur Boulevard. The license is still valid.
09/21/94	A building permit (94348887) was issued for the installation of an Off-Premise Sign (Billboard) at 2390 North Decatur Boulevard. The permit was finalized on 11/04/94.
10/23/08	A business license (L10-00094) was issued for a Beer/Wine/Cooler Off-Sale Establishment at 2390 North Decatur Boulevard. The license is still valid.
10/23/08	A business license (C05-01382) was issued for Retail Tobacco Sales at 2390 North Decatur Boulevard. The license is still active.
10/23/08	A business license (C15-00091) was issued for a Retail Establishment (Convenience Store) at 2390 North Decatur Boulevard. The license is still active.

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Pre-Application Meeting

A pre-application meeting was not required, nor was one held.

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

01/05/09	<p>Staff conducted a field inspection of the site with the following observations:</p> <ul style="list-style-type: none"> • The subject billboard had no embellishments, animated signage, or electronic displays. • Bird deterrent devices need to be installed, as there is a large accumulation of bird feces on the structure and surrounding ground area. • The billboard signs appeared in good condition.
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Details of Application Request

Site Area

Gross Acres	0.67
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
	Vacant Land	GC (General Commercial)	C-1 (Limited Commercial)
East	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
	Vacant Land	GC (General Commercial)	C-1 (Limited Commercial)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

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<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 (35 feet)	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

* The City Council approved a Special Use Permit (U-0173-94) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at this location. No objection was received by the North Las Vegas Airport.

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in the public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is in a 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
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.	Structural elements of the sign are properly screened from public view.	Y

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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 Off-Premise 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.	Sign is approximately 300 feet from a property line to the southwest zoned R-E (Residence Estates) with a Resolution of Intent to C-1 (Limited Commercial)	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.	Sign is permanently secures to the ground and is not on property used for residential purposes.	Y

ANALYSIS

This is the second Required Review of an approved Special Use Permit (U-0173-94) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2390 North Decatur Boulevard. A research of the building permit activity found that permit #94348887 was issued for the installation of a billboard sign, which received a final inspection on 11/04/94 under the address of 2390 North Decatur Boulevard. Staff conducted a site inspection and found the sign in good condition, but there appeared to be a bird deterrent problem as there was a large accumulation of bird dropping on the sign structure and surrounding ground area.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Exclusionary Zone. A permit was issued and finalized for the Off-Premise Sign (Billboard). Discrepancies related to bird deterrent devices are addressed as a condition of approval as is the failure of the owner and/or applicant to submit the appropriate documents and pay the required fees. 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 previous assessment; therefore, staff recommends approval, subject to a five-year review.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 232

APPROVALS 1

PROTESTS 0