

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - RQR-31529 - APPLICANT/OWNER: GOLDEN ARCH LP**

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

1. Conformance to the conditions for Special Use Permit (U-0053-87), if approved.
2. Payment of the required notification and application fees totaling \$800.00, in addition to the submittal of all required documents within 10 days of City Council.
3. The owner of this Off-Premise Sign (Billboard) shall within thirty (30) days, obtain either a construction inspection and approval by the City or structural certification, as those items are described in Title 19.14.100(D), paragraph six, subsection a or b. Failure to secure the required final inspection may result in fines and/or removal of the Off-Premise Sign (Billboard).
4. This Special Use Permit shall be placed on an agenda closest to August 19, 2011 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.
5. 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.
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0053-87) 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 is a Required Review of an approved Special Use Permit (U-0053-87) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 4400 E. Charleston Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/15/87	The City Council approved a request for a Special Use Permit (U-0053-87) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard). The Board of Zoning Adjustment recommended approval on 06/25/87.
09/16/87	The City Council approved a request for a Review of Condition [U-0053-87(1)], which required the property owner to sign a Special Improvement District Agreement in connection with the construction of an Off-Premise Sign (Billboard). The Board of Zoning Adjustment recommended approval on 07/28/87.
08/19/92	The City Council approved a request for a Required Review [U-0053-87(2)] of an approved Special Use Permit (U-0053-87) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard). The Board of Zoning Adjustment recommended approval on 07/28/92.
06/23/05	The Planning and Development Department approved a request for an Minor Site Development Plan Review (SDR-6629) for a 338 square-foot addition and exterior improvements to an existing McDonalds Restaurant on 0.66 acres at 4400 East Charleston Boulevard.
03/12/08	A Code Enforcement case (63349) was processed for temporary window signs at 4400 East Charleston Boulevard. The case was closed on 03/31/08.
<i>Related Building Permits/Business Licenses</i>	
03/18/90	A business license (R09-00727) was issued for a Restaurant at 4400 East Charleston Boulevard. The license is still active.
09/30/05	A building permit (05006850) was issued for tenant improvements at 4400 East Charleston Boulevard. The permit was finalized on 06/1/06.
10/17/07	A business license (V02-01734) was issued for a DVD Rental Kiosk at 4400 East Charleston Boulevard. 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.	

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Field Check	
12/22/08	Staff conducted a field inspection of the site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays. • All structural elements have been properly maintained and are screened from public viewing • The sign and supporting structure appeared in good condition and does not require repainting or bird deterrents. • There is only one sign face on the structure viewed when facing north

Details of Application Request	
Site Area	
Gross Acres	0.66

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	CG (Commercial General)- Clark County	C-1 (Local Business)- Clark County
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishment	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

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 public right-of-way.	Y
			DS

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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 and has no embellishments.	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 are 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)	The sign (billboard) is more than 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 250 feet to the east of property zoned for residential use.	N*
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 property used for residential purposes.	Y

* The sign is located approximately 250 feet from property zoned R-1 (Single Family Residential) to the west of the subject site.

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ANALYSIS

This is the third Required Review since the initial approval of the Special Use Permit (U-0053-87) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 4400 East Charleston Boulevard. The sign is located approximately 250 feet east of property zoned for residential use; however, since the initial approval of the Special Use Permit and subsequent review periods, there has been no tangible redevelopment in the surrounding area.

During a site visit, staff observed the sign and structure in good condition with no bird nuisance problems. A research of building permit activity found no history of a permit issued or finalized for an Off-Premise Sign (Billboard) at 4400 East Charleston Boulevard.

FINDINGS

Title 19.14.100 requires a minimum of 300 feet between an Off-Premise Sign (Billboard) and any property zoned R (Residential) or U (Undeveloped). The subject sign does not meet the minimum separation requirements, as it is located within 300 feet of property zoned for residential use, though the surrounding area has not changed since the original approval of the Special Use Permit.

According to City records, a building permit and final inspection were never completed for the Off-Premise Sign (Billboard), nor is there a record of a third party Special Inspection Report being completed and filed for this sign; therefore, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 213

APPROVALS 0

PROTESTS 0