

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-33341 APPLICANT: CLEAR CHANNEL OUTDOOR -****OWNER: CHARLES RICHARD HART JR. FAMILY TRUST**

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

1. Conformance to the conditions for Special Use Permit (U-0029-96).
2. The owner of this Off-Premise Sign (Billboard) shall within 30 days, obtain either 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).
3. This Special Use Permit shall be placed on an agenda closest to June 19, 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. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0029-96) 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

RQR-33341 - Staff Report Page One
April 9, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Special Use Permit (U-0029-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2151 N. Rancho Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/20/95	The City Council approved a request for a Special Use Permit (U-0096-95) for the Off-Premise Sale of Beer and Wine in conjunction with a proposed Convenience Store and for an Automatic Car Wash at the southwest corner of Lake Mead Boulevard and Rancho Drive. The Board of Zoning Adjustment recommended approval on 08/22/95.
06/18/96	The City Council approved a request for a Special Use Permit (U-0029-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2151 N. Rancho Drive. The Board of Zoning Adjustment recommended approval on 05/28/96.
06/02/98	The Board of Zoning Adjustment denied a request for a Variance (V-0023-98) to allow one additional monument sign where two is the maximum allowed in conjunction with an existing El Pollo Loco Restaurant at 2151 N. Rancho Drive.
01/17/08	A Code Enforcement case (61434) was processed for trees blocking the view onto the street at 2151 N. Rancho Drive. The case was closed on 02/04/08.
<i>Related Building Permits/Business Licenses</i>	
03/20/96	A building permit (96392696) was issued for a new mini-market at 2151 N. Rancho Drive. The permit was finalized on 11/15/96.
05/09/96	A building permit (96009296) was issued for a new building at 2151 N. Rancho Drive.
07/09/96	A building permit (96013567) was issued for a double-faced Off-Premise Sign (Billboard) at 2151 N. Rancho Drive. The permit was never finalized.
08/08/96	A building permit (96016018) was issued for mechanical work for a new mini-market at 2151 N. Rancho Drive. The permit was finalized on 04/02/97.
08/08/02	A business license (C05-01785) was issued for the Sale of Tobacco at 2151 N. Rancho Drive. The license is still active.
08/08/02	A business license (C15-00166) was issued for a Convenience Store at 2151 N. Rancho Drive. The license is still active.
08/08/02	A business license (L10-00157) was issued for Beer/Wine/Cooler Off-Sale Establishment at 2151 N. Rancho Drive. The license is still active.

RQR-33341 - Staff Report Page Two
April 9, 2009 - Planning Commission Meeting

05/06/03	A business license (C20-01982) was issued for Convention Gaming Hall Tax at 2151 N. Rancho Drive. The license is still active.
03/13/06	A business license (R07-00561) was issued for a Restaurant at 2151 N. Rancho Drive. The license is still active.
01/23/07	Business licenses (P35-00846 and P35-00847) were issued for Pay Phone Locations at 2151 N. Rancho Drive. The licenses are still active.
12/31/08	A business license (G01-01993) was issued for Restricted Gaming at 2151 N. Rancho Drive. 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.	
<i>Field Check</i>	
03/05/09	Staff conducted a field check of the subject site with the following observations: • The billboard facing north is a double-faced sign. • The sign and supporting structure appeared in good condition with no problems noted. • The subject billboard had no embellishments, animated signage, or electronic displays. • All structural elements have been properly screened from public view.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishment with a Car Wash	GC (General Commercial)	C-2 (General Commercial)
North	Apartments	M (Medium Density Residential)	C-2 (General Commercial)
South	Undeveloped Land	GC (General Commercial)	C-2 (General Commercial)
East	Casino and Hotel	North Las Vegas	North Las Vegas
West	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A

RQR-33341 - Staff Report Page Three
April 9, 2009 - Planning Commission Meeting

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		N
A-O Airport Overlay District (35 feet)	X		N*
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

* City Council approved Special Use Permit (U-0029-96) for a 14-foot by 48-foot Off-Premise Sign (Billboard) to a height of 40 feet. The North Las Vegas Airport representative had no objection to the height.

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
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in a C-2 (General 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 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.	All structural elements are screened from public view.	Y

RQR-33341 - Staff Report Page Four
April 9, 2009 - Planning Commission Meeting

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 billboard 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 220 feet from 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 zoned for residential use.	Y

ANALYSIS

This is the first required review of an approved Special Use Permit (U-0029-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 2151 N. Rancho Drive. A research of the building permit activity found that the billboard was constructed under sign permit #96013567, but the sign failed a final inspection and never rechecked. During a site inspection, staff found the sign and supporting structure in good condition with no discrepancies noted.

The sign is approximately 220 feet east of property zoned for residential use, which was rezoned from C-2 (General Commercial) to R-3 (Medium Density Residential) in 2002. Title 19.14.100 requires a minimum distance separation of 300 feet from property zoned for residential use; therefore, the sign is nonconforming.

FINDINGS

The sign is located within a C-2 (General Commercial) zoning district and is not within the Off-Premise Exclusionary Zone. The sign is a nonconforming structure as it lacks the minimum distance separation requirements from residentially zoned property as outlined in Title 19.14.100. Staff finds there is no adverse impact regarding the continued use of the sign at this time, but the billboard does lack a final inspection; therefore, staff is recommending denial.

RQR-33341 - Staff Report Page Five
April 9, 2009 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 472

APPROVALS 1

PROTESTS 4