



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-32721- APPLICANT: CLEAR CHANNEL OUTDOOR, INC
- OWNER: RICHARD T. CRAWFORD**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0028-96).
2. This Special Use Permit shall be placed on an agenda closest to June 19, 2012 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.
3. 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).
4. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit (U-0028-96) 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Special Use Permit (U-0028-96 for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 251 N. Nellis Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/03/88	The City Council approved a request for a Rezoning (Z-0061-88) from R-1 (Single Family Residential) and R-3 (Medium Density Residential) to C-1 (Limited Commercial) for a proposed Retail/Commercial Center on property located on the west side of Nellis Boulevard between Charleston Boulevard and Stewart Avenue. The Planning Commission recommended approval on 07/14/88.
07/20/94	The City Council approved a request for a Special Use Permit (U-0123-94) for the sale of Beer/Wine off-sale establishment, and for the sale of Gasoline at a proposed Convenience Store on the west side of Nellis Boulevard between Charleston Boulevard and Stewart Avenue. The Board of Zoning Adjustment recommended approval on 06/28/94.
11/28/95	The Board of Zoning Adjustment approved a request for s Variance (V-0156-95) to allow a second on-premise freestanding ground sign where only one freestanding ground sign is permitted on the west side of Nellis Boulevard between Charleston Boulevard and Stewart Avenue.
10/18/95	The City Council approved a request for an Extension of Time [U-0123-94(1)] of an approved Special Use Permit (U-0123-94) for the sale of Beer/Wine Off-Sale Establishment; and for the sale of Gasoline at a proposed Convenience Store on the west side of Nellis Boulevard between Charleston Boulevard and Stewart Avenue. The Board of Zoning Adjustment recommended approval on 09/26/95.
06/19/96	The City Council approved a request for a Special Use Permit (U-0028-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 251 N. Nellis Boulevard. The Board of Zoning Adjustment recommended approval on 05/28/96.
02/13/06	A Code Enforcement case (38351) was processed for illegal vendors at 251 N. Nellis Boulevard. The case was closed on 02/13/06.
02/14/06	A Temporary Commercial Permit (TCP-11827) was issued for the sale of Valentine Days flowers and gifts at 251 N. Nellis Boulevard. The permit was valid on 02/14/06 from 9:00 a.m. to 9:00 p.m.

05/18/07	A Code Enforcement case (53410) was processed for a vendor selling pictures from the parking lot at 251 N/ Nellis Boulevard. The case was closed on 06/01/07.
03/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #25/ds).
<i>Related Building Permits/Business Licenses</i>	
07/09/96	A building permit (96013569) was issued for an Off-Premise Sign (Billboard) at 251 N. Nellis Boulevard. The permit expired on 01/11/97.
02/19/97	A building permit (97003513) was issued for an Off-Premise Sign (Billboard) at 251 N. Nellis Boulevard. The sign received a partial final inspection for footing only on 03/24/97.
12/26/03	Business licenses (P35-00737 and P35-00738) were issued for pay phones at 251 N. Nellis Boulevard. The licenses are still active.
08/22/08	A business license (C05-01739) was issued for a Retail Tobacco Dealer at 251 N. Nellis Boulevard. The license is still active.
08/22/08	A business license (C15-00148) was issued for a Convenience Store at 251 N. Nellis Boulevard. The license is still active.
08/11/08	Business licenses (C20-93535 and G01-93534) were requested for Convention Hall Gaming Tax and Restricted Gaming at 251 N. Nellis Boulevard. The licenses have not yet been issued.
08/22/08	A business license (L10-00281) was issued for Beer/Wine/Cooler Off-Sale Establishment at 251 N. Nellis Boulevard. The license is still active.
09/02/08	A business license (S05-01047) was issued for a Service Station at 251 N. Nellis Boulevard. The license is still active.
08/04/08	A building permit (121347) was issued for the maintenance and repair of a fuel dispenser at 251 N. Nellis Boulevard. The permit was finalized on 10/14/08.
09/18/08	A building permit (121486) was issued for an underground tank system at 251 N. Nellis Boulevard. The permit has not yet been finalized.
01/12/09	A building permit (128192) was issued for tenant improvements at 251 N. Nellis Boulevard. The permit has not yet been finalized.
<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.	

Field Check	
02/05/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays. • All structural elements have been properly screened. • The sign facing north is double faced with one of the faces peeling and torn. • The base portion of the structure is two-toned in color, giving the appearance that someone started painting it, but never finished. • There was a small amount of bird dropping on the ground below the sign.

Details of Application Request	
Site Area	
Gross Acres	0.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment	GC (General Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	CG (Commercial General)- Clark County	C-2 (General Commercial)- Clark County
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
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	The sign is located 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 an embellishment is not attached to the sign.	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 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 not located along US-95 or I-15 and 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 more than 300 feet to the nearest property line zoned for residential use.	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 secured to the ground and is located in a C-1 (Limited Commercial) zoning district.	Y

ANALYSIS

This is the first required review since the initial approval of the Special Use Permit (U-0028-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 251 N. Nellis Boulevard. A research of building permit activity found that the billboard was constructed under sign permit #97003513, which only received a partial final inspection for the footing on 03/24/97, with no follow-up to finalize the permit. Staff conducted a field check of the subject site and found one side of the sign has a double facing with one facing torn and peeling. The base portion of the sign is two-toned in color, giving the appearance that someone starting painting it, but never finished. Additionally, there was a small amount of bird droppings on the ground below the sign.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. The discrepancies with the sign and supporting structure are addressed as a condition of approval. Though there has been no recent development or land use changes in the surrounding area, the sign does lack any history of a final inspection; therefore, staff is recommending denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

ASSEMBLY DISTRICT 14

SENATE DISTRICT 10

NOTICES MAILED 97 by City Clerk

APPROVALS 0

PROTESTS 0