



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 20, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-32942 APPLICANT: CBS OUTDOOR - OWNER: 305 LAS VEGAS LLC**

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0-1/rt vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Special Use Permit (U-0008-96).
2. This Special Use Permit shall be placed on an agenda closest to April 3, 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 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-0008-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 330 East Charleston Boulevard.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/23/62                                                           | The City Council approved a request for a Rezoning (Z-0039-62) from C-1 (Limited Commercial) to C-2 (General Commercial) on property generally located on the southwest corner of 4 <sup>th</sup> Street and Charleston Boulevard. The Planning Commission recommended approval on 05/10/62.                                                          |
| 06/26/63                                                           | The Board of City Commissioners approved a Rezoning (Z-0100-63) from R-1 (Single Family Residential) to C-1 (Limited Commercial) of property generally located on the southwest corner of 3 <sup>rd</sup> Place and East Charleston Boulevard. The Planning Commission recommended approval on 06/13/63.                                              |
| 08/15/63                                                           | The Board of City Commissioners approved a Rezoning (Z-0121-63) from R-1 (Single Family Residential) to R-4 (High Density Residential) of property generally located on the west side of 3 <sup>rd</sup> Place south of Charleston Boulevard. The Planning Commission recommended approval on 08/08/63.                                               |
| 01/15/64                                                           | The Board of City Commissioners approved a request for Rezoning (Z-0163-63) from R-4 (High Density Residential) to C-1 (Limited Commercial) of property generally located on the east side of South 3 <sup>rd</sup> Street, between Charleston Boulevard and 4 <sup>th</sup> Place. The Planning Commission recommended approval on 01/09/64.         |
| 05/21/69                                                           | The Board of City Commissioners approved a request for Rezoning (Z-0024-69) from R-1 (Single Family Residential) to C-1 (Limited Commercial) of property generally located in between 3 <sup>rd</sup> Place and 4 <sup>th</sup> Street. The Planning Commission recommended approval on 05/08/69.                                                     |
| 08/22/73                                                           | The Board of City Commissioners denied a request for Rezoning (Z-0065-73) from R-1 (Single Family Residential) to P-R (Professional Office) of property generally located at the south end of 3 <sup>rd</sup> Place, south of East Charleston Boulevard at 1108 South 3 <sup>rd</sup> Street. The Planning Commission recommended denial on 08/09/73. |
| 05/18/95                                                           | The City Council approved a request for Rezoning (Z-0037-94) from R-1 (Single Family Residential) to C-1 (limited Commercial) of property generally located south of east Charleston Boulevard and west of 4 <sup>th</sup> Street. The Planning Commission recommended approval on 04/28/94.                                                          |

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| 12/20/95 | The City Council approved a request for Rezoning (Z-0093-95) from R-4 (High Density Residential) to C-1 (Limited Commercial) of property generally located on the west side of 3 <sup>rd</sup> Street, south of Charleston Boulevard. The Planning Commission recommended approval on 11/30/95.                                                                      |
| 04/03/96 | The City Council approved a request for a Special Use Permit (U-0008-96) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at the southwest corner of Charleston Boulevard and 4 <sup>th</sup> Street. The Board of Zoning Adjustment recommended denial on 02/2/96.                                                                                             |
| 10/01/03 | The City Council approved a request for a Site Development Plan Review (SDR-2784) for a 12,103 square-foot Office Building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and 4 <sup>th</sup> Street. The Planning Commission recommended approval on 08/28/03.                                                                 |
| 02/16/05 | A Code Enforcement case (26073) was processed for a trailer, white/red in rear, vacant with vagrants living in it at 320 East Charleston Boulevard. The case was closed on 02/17/05.                                                                                                                                                                                 |
| 05/16/07 | The City Council approved a request for a Site Development Plan Review (SDR-20502) for a 12-story mixed-use development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and 4 <sup>th</sup> Street. The Planning Commission recommended approval on 04/26/07. |
| 05/16/07 | The City Council approved a request for a Rezoning (ZON-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and 4 <sup>th</sup> Street. The Planning Commission recommended approval on 04/26/07.                    |
| 05/16/07 | The City Council approved a request for a Special Use Permit (SUP-20519) for a 12-story mixed-use development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and 4 <sup>th</sup> Street. The Planning Commission recommended approval on 04/26/07.                         |
| 05/16/07 | The City Council approved a request for a Petition to Vacate (VAC-20522) a 20-foot service alley and access easement generally located east of 3 <sup>rd</sup> Street commencing approximately 137 feet south of the southeast corner of 3 <sup>rd</sup> Street and Charleston Boulevard. The Planning Commission recommended approval on 04/26/07.                  |
| 09/10/07 | A Code Enforcement case (57638) was processed for non-permitted signs and flags at 320 and 330 East Charleston Boulevard. The case was closed on 09/24/07.                                                                                                                                                                                                           |
| 09/11/08 | A Code Enforcement case (69594) was processed for two (2) A frame signs in the parking lot at 320 East Charleston Boulevard, Suite #101. The case was closed on 09/24/08.                                                                                                                                                                                            |

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| 11/05/08                                                 | The City Council approved a request for a Petition to Vacate (VAC-29235) an alley and a public access easement at 300 and 330 East Charleston Boulevard. The Planning Commission recommended approval on 09/25/08.                                 |
| 04/15/09                                                 | Three (3) Extension of Time requests for a Site Development Plan Review (SDR-20502), Rezoning (ZON-33725), and Special Use Permit (20519) for a 12-story mixed-use development at 330 East Charleston Boulevard were approved by the City Council. |
| 04/23/09                                                 | <a href="#">The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #30/ds).</a>                                                                                                                                              |
| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                                    |
| 05/07/96                                                 | A building permit (96009150) was issued for a 100-foot by 6-foot block wall at 300 E. Charleston Boulevard. The permit was finalized on 05/13/96.                                                                                                  |
| 07/09/96                                                 | A building permit (96013641) was issued for a billboard sign with electric at 330 E. Charleston Boulevard. The permit was finalized on 09/17/96.                                                                                                   |
| 08/20/96                                                 | A business license (M01-05281) was issued for a Cleaning Service (Aquariums) at 330 East Charleston, Suite #201. The license is still active.                                                                                                      |
| 01/17/97                                                 | A building permit (97001330) was issued for an exterior remodel at 300 E. Charleston Boulevard. The permit was finalized on 03/24/98.                                                                                                              |
| 04/18/97                                                 | A building permit (97997816) was issued for service for a billboard at 330 E. Charleston Boulevard. The permit was finalized on 04/28/97.                                                                                                          |
| 12/18/97                                                 | A building permit (97025121) was issued for tenant improvements (interior remodel) at 300 E. Charleston Boulevard. The permit was finalized on 03/03/98.                                                                                           |
| 02/26/98                                                 | A building permit (98004038) was issued for tenant improvements at 330 E. Charleston Boulevard. The permit was finalized on 03/20/98.                                                                                                              |
| 06/25/98                                                 | A business license (Q13-00709) was issued for a law Firm at 320 E. Charleston Boulevard, Suite #202. The license is still active.                                                                                                                  |
| 07/13/00                                                 | A building permit (00013184) was issued for a Non-Work Certificate of Occupancy at 320 E. Charleston Boulevard, Suite #104. The permit was finalized on 07/17/00.                                                                                  |
| 06/25/03                                                 | A business license (M21-00682) was issued for a Travel Broker at 320 E. Charleston Boulevard, Suite #205. The license is still active.                                                                                                             |
| 09/19/06                                                 | A business license (P27-00381) was issued for Registration Service at 330 E. Charleston Boulevard, Suite #201. The license is still active.                                                                                                        |
| 11/15/06                                                 | A business license (Q13-00972) was issued for a Law Firm at 320 E. Charleston Boulevard, Suite #203. The license is still active.                                                                                                                  |
| 02/18/07                                                 | A business license (A23-01643) was issued for Tax preparation Service at 300 E. Charleston Boulevard, Suite #211. The license is still active.                                                                                                     |
| 03/27/07                                                 | A business license (A02-02201) was issued for Advertising/Marketing Service at 300 E. Charleston Boulevard, Suite #212. The license is still active.                                                                                               |
| 12/07/07                                                 | A business license (C21-00186) was issued for a Check Cashing Agency at 320 E. Charleston Boulevard, Suite #102. The license is still active.                                                                                                      |

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| 01/23/08                                                      | A business license (M21-01073) was issued for Renewal Magazine Subscription Service at 330 E. Charleston Boulevard, Suite #202. The license is still active. |
| 06/20/08                                                      | A business license (C19-00396) was issued for Contract Labor Services at 330 E. Charleston Boulevard, Suite #202. The license is still active.               |
| 06/20/08                                                      | A business license (E01-00386) was issued for an Employment Agency at 330 E. Charleston Boulevard, Suite #202. The license is still active.                  |
| 07/18/08                                                      | A business license (S07-00504) was issued for Shoe Repair/Sales at 320 E. Charleston Boulevard, Suite #101. The license is still active.                     |
| 08/20/08                                                      | A business license (M01-09750) was issued for a Cleaning Service at 300 E. Charleston Boulevard, Suite #211. The license is still active.                    |
| 01/09/09                                                      | A business license (Q13-00290) was issued for a Law Firm at 320 E. Charleston Boulevard, Suite #201. The license is still active.                            |
| <b><i>Pre-Application Meeting</i></b>                         |                                                                                                                                                              |
| A pre-application meeting was not required, nor was one held. |                                                                                                                                                              |
| <b><i>Neighborhood Meeting</i></b>                            |                                                                                                                                                              |
| A neighborhood meeting was not required, nor was one held.    |                                                                                                                                                              |

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| <b><i>Field Check</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/19/09                  | <p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> <li>• The subject billboard had no embellishment, animated signage or electronic displays.</li> <li>• The sign faces and supporting structure appeared in good condition.</li> <li>• All structural elements have been properly screened from public view.</li> </ul> |

|                                              |      |
|----------------------------------------------|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 2.66 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                    | <b>Planned Land Use</b> | <b>Existing Zoning</b>                                                                                        |
|-----------------------------|---------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------|
| Subject Property            | Offices, Retail Establishments, and Parking | C (Commercial)          | C-1 (Limited Commercial) and C-2 (General Commercial) with a Resolution of Intent to C-1 (Limited Commercial) |
| North                       | Apartments                                  | C (Commercial)          | C-2 (General Commercial)                                                                                      |
| South                       | Apartments                                  | C (Commercial)          | R-4 (High Density Residential)                                                                                |
|                             | Offices                                     | C (Commercial)          | C-1 (Limited Commercial)                                                                                      |

|      |                                      |                |                          |
|------|--------------------------------------|----------------|--------------------------|
| East | Mini Storage Facility                | C (Commercial) | C-2 (General Commercial) |
| West | Retail Establishments and Restaurant | C (Commercial) | C-2 (General Commercial) |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          | X                 |                  | Y                        |
| Downtown Centennial Plan                          | X                 |                  | Y                        |
| Las Vegas Redevelopment Plan/Area                 | X                 |                  | Y                        |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      | X                 |                  | Y                        |
| Live/Work Overlay District                        | X                 |                  | Y                        |
| <b>Trails</b>                                     |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>        |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b> |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>           |                   | X                | N/A                      |

## ANALYSIS

This is the first Required Review of an approved Special Use Permit (U-0008-96) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 330 East Charleston Boulevard. A research of the building permit activity revealed that a sign permit (96013641) was issued for the installation of a billboard sign, which received a final inspection on 09/17/96 under the address of 330 East Charleston Boulevard. Staff conducted a field check of the subject site and found the sign and supporting structure in good condition.

Since the initial approval of the Special Use Permit for the Off-Premise Sign (Billboard), new entitlements for a 12-story mixed-use development were approval (SDR-20502, ZON-20507, SUP-20519, and VAC-20522), with subsequent Extension of Times (EOT-33724, EOT-33725), and EOT-33726) scheduled to be heard by the City Council on 04/15/09.

## FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary zone. Though the sign received a final building inspection, and appears in good condition, staff finds that the continuation of the Off-Premise Sign (Billboard) at the location is not conducive to the redevelopment and revitalization proposed for the site; therefore, staff is recommending denial.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 370 by City Clerk

**APPROVALS** 0

**PROTESTS** 4