

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: APRIL 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: OASIS LAS VEGAS, LLC

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**\*\* STAFF RECOMMENDATION(S) \*\***

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>    | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|--------------------------|----------------------------------|
| <b>DIR-41270</b>       | Staff recommends DENIAL. |                                  |

**Staff Report Page One**  
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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The Applicant wishes to reconstruct an Off-Premise Sign located at 110 North Jones Boulevard which was demolished on 02/24/11. The applicant applied for a building permit to reconstruct the Off-Premise Sign. The building permit was denied by the Department of Planning as a Special Use Permit is required per condition number 6 of RQR-28940. The applicant has appealed the denial of the building permit to the City Council.

**ISSUES**

- On October 1, 2008, the City Council of the City of Las Vegas approved a required review (RQR-28940) of the Special Use Permit (U-0107-96) which allowed an off-premise sign located at 110 North Jones Boulevard.
- Condition Number 6 of RQR-28940 stated that “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”.
- On February 16, 2011, the City of Las Vegas approved a Building Permit (#181582) for the demolition of the existing 50-foot Off-Premise Sign (Billboard) located at 110 North Jones Boulevard.
- Off-Premise Sign at 110 North Jones Boulevard was voluntary demolition, Special Use Permit U-0107-96 is considered to be expunged per Condition 6 of RQR-28940.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/22/97                                                                 | The City Council approved a Special Use Permit (U-0107-96) to allow a 50-foot tall, 14-foot by 48-foot (672 square feet each side) Off-Premise Sign at 110 North Jones Boulevard, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval. |
| 02/20/02                                                                 | The City Council approved a Required Two-Year Review (RQR-3686) of an approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval.                                          |
| 07/07/04                                                                 | The City Council approved a Required Two-Year Review (RQR-3686) of an approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval.                                          |

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|          |                                                                                                                                                                                                                                         |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/06/06 | The City Council approved a Required Two-Year Review (RQR-13987) of an approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval. |
| 10/01/08 | The City Council approved a Required Two-Year Review (RQR-28940) of an Approved Special Use Permit (U-0107-96), which allowed an Off-Premise Sign at 110 North Jones Boulevard. The Planning Commission and staff recommended approval. |
| 02/16/11 | Demolition permit #181582 issued for Off-Premise Sign located at 110 North Jones Boulevard. Permit received final inspection on 02/24/11.                                                                                               |
| 03/01/11 | Building Permit #182465 Denied by the Planning Department.                                                                                                                                                                              |

| <b><i>Most Recent Change of Ownership</i></b> |                                                                      |
|-----------------------------------------------|----------------------------------------------------------------------|
| 08/25/06                                      | A deed was recorded for a change in ownership to Oasis Las Vegas LLC |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.19 |

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.04</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| Subject Property                   | SC (Service Commercial)                         | None                                                  | C-1 (Limited Commercial)               |
| North                              | SC (Service Commercial)                         | None                                                  | C-1 (Limited Commercial)               |
| South                              | ROW (Right-of-Way)                              | None                                                  | None                                   |
| East                               | SC (Service Commercial)                         | None                                                  | C-1 (Limited Commercial)               |
| West                               | SC (Service Commercial)                         | None                                                  | C-1 (Limited Commercial)               |

| <b><i>Master Plan Areas</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------|-------------------|------------------|--------------------------|
| <b>Master Plan Area</b>         |                   | X                |                          |

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

### **ANALYSIS/FINDINGS**

On March 1, 2011, the City of Las Vegas Planning Department denied a Building Permit (#182465) for the proposed rebuilding of the 14-foot x 48-foot Off-Premise Sign located at 110 North Jones Boulevard. This denial is based on the following:

On October 1, 2008, the City Council of the City of Las Vegas approved a required review (RQR-28940) of the Special Use Permit (U-0107-96) which allowed an off-premise sign located at 110 North Jones Boulevard. Condition Number 6 of that approval stated that “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”.

On February 16, 2011, the City of Las Vegas approved a Building Permit (#181582) for the demolition of the existing 50-foot Off-Premise Sign (Billboard) located at 110 North Jones Boulevard. Because this was a voluntary demolition, Special Use Permit U-0107-96 is considered to be expunged per Condition 6 of RQR-28940. In order to permit a new off-premise sign in the same location a Special Use Permit approved by the City Council is required.

Staff recommends Denial of the Appeal based on the following findings:

1. The Off-Premise Sign approved by Special Use Permit (U-0107-96) and allowed to remain by the approval of a required review (RQR-28940) was voluntarily demolished.
2. Condition Number 6 of RQR-28940 requires that a new Special Use Permit be approved by the City Council to permit a new off-premise sign

Staff also finds that per Title 19.00.070.2.a that the appeal is for purpose of avoiding or circumventing the application procedures set forth in LVMC Chapter 19.18.100 for a Special Use Permit and the remedy or relief from the decision to deny the building permit is specifically provided for by means of an application for a Special Use Permit set forth in LVMC Chapter 19.18.100. As such per Title 19.00.070.F.2.b an appeal is not available.

Staff notes that the owner of the subject parcel has applied for a Special Use Permit (SUP-41200) for an Off-Premise Sign, which is scheduled to be heard at the May 10<sup>th</sup> Planning Commission meeting.

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**NOTICES MAILED**            N/A

**APPROVALS**                    0

**PROTESTS**                    0