

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 23, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: RQR-34323 - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP**

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

1. Conformance to the conditions for Special Use Permit (U-0126-94) if approved.
2. This Special Use Permit shall be placed on an agenda closest to August 5, 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. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. 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.
5. 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.
6. Bird deterrent devices shall be installed by the applicant on the sign within 30 days of final approval by the City of Las Vegas.
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

The subject site contains an existing 40-foot high, 14-foot by 48-foot Off-Premise sign, warehouse and parking lot at 2330 Industrial Road. This is the second Required Review of the subject sign. If this request is denied, the subject sign will be required to be removed from the property.

Issues:

- Staff cannot support the request for the Required Review as the subject site and area underneath the Off-Premise sign have received no maintenance, as evidenced by the large quantities of bird droppings immediately underneath the sign and on the sign pole. This is a direct violation of Conditions #3 and #4 of the previously approved Required Review (RQR-3023).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
07/20/94	The City Council approved a request for a Special Use Permit (U-0126-94) for a 40-foot high, 14-foot by 48-foot Off-Premise (Billboard) sign at 2330 Industrial Road. The Board of Zoning Adjustment and staff recommended approval of this request.
11/21/03	The City Council approved a request for a Required Review (RQR-3023) of an approved Special Use Permit (U-0126-94) which allowed a 40-foot high, 14-foot by 48-foot Off-Premise (billboard) sign at 2330 Industrial Road.
<i>Related Building Permits/Business Licenses</i>	
10/06/94	A building permit (#94350903) was issued for a 14-foot by 48-foot Off-Premise sign at 2330 Industrial Road. The permit received final approval 11/14/94.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
05/21/09	A field check was conducted by staff with the following observations: • There were no embellishments noted on the sign. • The sign faces were noted in good condition. • The sign pole was noted in poor condition, with bird feces running down the pole. • The parking area underneath the sign was noted to be covered in bird feces and appeared to receive no cleaning or maintenance. • The subject site contained chain link fencing with barbed/razor wire. Debris was noted to be trapped within the barbed/razor wire. The issued was turned over to the Planning and Development Inspections department for further action.

Details of Application Request	
Site Area	
Gross Acres	1.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Warehouse	LI/R (Light Industry / Research)	M (Industrial)
North	Warehouse	LI/R (Light Industry / Research)	M (Industrial)
South	S.O.B. / Office / Warehouse	LI/R (Light Industry / Research)	M (Industrial)
East	Warehouse / Office and Auto Repair	LI/R (Light Industry / Research)	C-M (Commercial / Industrial)
West	Warehouse / Truck Rental	LI/R (Light Industry / Research)	M (Industrial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	X		Y
Downtown Centennial Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
Live/Work Overlay District	X		Y
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

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DEVELOPMENT STANDARDS

Standards	<i>Code Requirement</i>	<i>Provided</i>	<i>Compliance</i>
Location	No Off-Premise Sign may be located within the public right-of-way.	Sign is not in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only.	Sign is located in the M (Industrial) 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. The sign 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.	Structure elements of the sign are adequately 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 from another Off-Premise Sign.	The closest Off-premise signs are both approximately 375 feet to the south and east of the subject site.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	The closest property zoned for residential use is approximately 275 feet from the Off-Premise Sign.	Y*
Other	All Off-Premise Signs (Billboards) shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on M (Industrial) zoned property.	Y

* The subject Off-Premise Sign is legally non-conforming for separation distance to an R zoned property.

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ANALYSIS

This is the second Required Review of a previously approved Special Use Permit (U-0126-94) for a 40-foot high, 14-foot by 48-foot Off-Premise sign at 2330 Industrial Road. A research of building permit activity found that the billboard was constructed under sign permit #94350903, and received a final inspection on 11/14/94. During a site inspection, staff found the sign face to be in good condition, while the supporting structure was strewn with bird droppings. In addition, the area immediately underneath the sign was layered in bird droppings, and appeared to receive no maintenance or cleaning.

The billboard is approximately 275 feet from an R-4 (High Density Residential and Apartment) and R-5 (Apartment) zone. Ordinance 3884 was adopted by the City Council on 04/19/95 and revised Title 19.14.100 to require a minimum separation of 300 feet between an Off-Premise Sign (Billboard) and any R (Residential) or U (Undeveloped) zone. As a result, the subject sign is considered to be legally non-conforming for the required separation distance.

FINDINGS

This sign is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. The sign face is in good condition while the supporting structure and area underneath the sign have received no maintenance. Conditions of Approval number three and four imposed on the subject sign by the previous Required Review (RQR-3023) of the site required the Off-Premise sign and its supporting structure to be properly maintained and also mandated the property owner to keep the property properly maintained. Based on the lack of maintenance noted on the subject site and sign pole, and the health hazard presented by the condition of the subject site, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 91

APPROVALS 0

PROTESTS 0