

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: OCTOBER 22, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-35904 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: NEVADA DEPARTMENT OF TRANSPORTATION**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/04/09, except as amended by conditions herein.
3. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
4. The Off-Premise 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 Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
6. Bird deterrent devices shall be installed on the sign.

Public Works

7. The proposed sign shall not be located within City of Las Vegas public right-ofway or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.
8. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review to replace a previously existing 45-foot tall, 14-foot by 48-foot Off-Premise Sign with a proposed 65-foot tall, 14-foot by 48-foot Off-Premise Sign on the same lot at the southeast corner of Wallace Drive and Clarice Avenue. The new sign will be located approximately 152 feet north of the previously existing sign, which was removed to allow for expansion of the U.S. 95 freeway.

The top of the off-premise sign is raised 30 feet above the finished elevation of a sound wall adjacent to U.S. 95, bringing the sign to an overall height of 65 feet.

ISSUES

- This Site Development Plan Review falls under the LVMC provision 19.14.100(G)(4), by Directors determination; no Special Use Permit or Variance approval is required.
- Approval of this Site Development Plan Review may not be conditioned upon a required periodic review of the sign, as no such condition was imposed when the sign was initially approved.
- The previously existing off-premise sign was removed in 2004 to allow for expansion of the Oran K. Gragson Freeway (U.S. 95).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
03/04/1964	The Board of City Commissioners approved a Rezoning (Z-0151-63) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on the subject property as part of a larger request. The Planning Commission recommended approval.
03/01/1978	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0151-63) to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Sign on property generally located at the corner of Jones Boulevard and Clarice Avenue. The Planning Commission recommended approval.
12/01/2004	The City Council adopted Ordinance #5736, which provided for the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements.
04/18/2006	A deed was recorded for change of ownership.
01/09/2008	The City Council adopted Ordinance #5959, which updated zoning regulations regarding off-premise signs, including adjustments, relocations and modifications of signs near freeways.

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<i>Related Building Permits/Business Licenses</i>	
04/25/1978	A building permit (#5773) was issued for a 40-foot tall, 14-foot by 48-foot off-premise sign at 6115 Clarice Avenue.
05/06/2004	A building permit (#04011125) was issued for demolition of an existing off-premise sign at 6193 Clarice Avenue. The final building inspection was completed 05/13/04.
06/22/2004	A building permit (#04015862) was issued for a 45-foot tall, 14-foot by 48-foot off-premise sign at 192 Wallace Street that was a relocation of an existing sign (same height and size) on the same lot as a result of widening of U.S. 95. No inspections were conducted. The permit subsequently expired 12/25/04.
05/31/2005	A building permit (#05003673) was issued for a 45-foot tall, 14-foot by 48-foot off-premise sign at 192 Wallace Street that was a relocation of an existing sign (same height and size) on the same lot as a result of widening of U.S. 95. No inspections were conducted. The permit subsequently expired 12/03/05.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required for this application.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
09/17/09	Staff conducted a field check and found the site to be vacant with the exception of several above ground utility boxes. The area is clear of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.56

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	U.S. 95 Freeway	ROW (Right-of-Way)	ROW (Right of Way)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	ROW (Right-of-Way)	R-1 (Single Family Residential)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	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

DEVELOPMENT STANDARDS

Minimum Distance Separation Requirements:

<i>Standards</i>	<i>Code Requirement</i>	<i>Original Off-Premise Sign</i>	<i>Proposed Relocated Off-Premise Sign</i>
Off-Premise Sign	Minimum 300-foot distance separation from any other off-premise sign	Approximately 850 to the northeast	Approximately 820 to east
Off-Premise Sign	Minimum 300-foot distance separation from nearest property line of a lot in the U or any R zoning district	Nearest U or R property is approximately 130 to the northwest	Nearest U or R property is approximately 70 to the northwest
Off-Premise Sign within 660 feet of right-of-way and which can be read from I-15, I-515, U.S. 95 or Oran K. Gragson Highway	Minimum 750-foot distance separation from any other off-premise sign along the same frontage	Nearest off-premise sign along freeway is approximately 850 to the northeast	Nearest off-premise sign along freeway is approximately 820 to the east

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Locational Requirements:

<i>Standards</i>	<i>Code Requirement</i>	<i>Original Off-Premise Sign</i>	<i>Proposed Relocated Off-Premise Sign</i>
Location	No off-premise sign may be located within the public right-of-way	On property owned by NDOT outside of the U.S. 95 ROW	On property owned by NDOT outside of the U.S. 95 ROW
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	C-1 zoning district	C-1 zoning district
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. Max. advertising height 30 Max. advertising width 60	14H x 48W = 672 SF No embellishments	14H x 48W = 672 SF No embellishments
Height	No higher than 40 feet from grade at the point of construction, except within 150 of right-of-way of freeway may be constructed 30 above elevation of the elevated freeway nearest the sign	45 feet from grade: was allowed to be no more than 30 feet above the elevation of the U.S. 95 freeway adjacent to the sign	Elevation of sound wall near sign = 2337 Elevation at base of sign = 2305 Requesting 65 from base to top of sign
Setback	Off-premise signs shall not be located closer than 10 feet to the ROW line of a freeway	Set back approximately 25 from ROW	Set back approximately 25 from U.S. 95 ROW
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Screened	Screened
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.	Pylon sign attached to ground	Pylon sign attached to ground

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ANALYSIS

Title 19.14.100(G)(1)(b) allows an off-premise sign located within 660 feet of any highway classified by the State of Nevada as part of the interstate or primary highway system to be relocated to another location on the same existing parcel in order to achieve visibility that is obstructed by a noise abatement or highway improvement project. Pursuant to Title 19.14.100(G)(4), approval for the relocation is achieved by means of a Site Development Plan Review. No periodic review may be conditioned for the proposed relocated sign, as no condition for a review was imposed on the sign at the original time of approval.

The off-premise sign is proposed to be relocated 152 feet north of its original location on the lot. The size of the lot was negotiated with NDOT to allow for this off-premise sign relocation. This location abuts the westbound on-ramp of the U.S. 95 Freeway from Jones Boulevard. In order for the sign to be visible above the sound wall constructed adjacent to the on-ramp, the sign's height is proposed to be increased to 65 feet. This height is approximately 30 feet above the elevation of the wall nearest the sign, which is allowed by Title 19.14.100(F)(1)(e).

The original off-premise sign, constructed in 1978, was nonconforming at the time it was removed with respect to standards governing distance separation from residential properties. Under Title 19.14.100(G)(4), the proposed off-premise sign, which would be located approximately 70 feet southwest of property zoned R-1 (Single Family Residential), would be allowed to maintain this nonconformance. At the present time, no residential structures are located on the three residential parcels nearest the proposed sign location.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed relocated off-premise sign will be approximately 110 feet from the nearest existing residential structure and will face the U.S. 95 right-of-way.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The sign is located on property zoned C-1 (Limited Commercial) in conformance with Title 19 standards. The proposed off-premise sign would be relocated pursuant to Title 19.14.100 regulations. Any nonconforming status the original off-premise sign had prior to removal will be retained.

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3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The proposed off-premise sign will require only minimal vehicular access for maintenance and therefore will not negatively impact traffic in the area.

4. Building and landscape materials are appropriate for the area and for the City;

The building materials for the proposed sign are typical of other off-premise signs in the city and are appropriate. No landscaping is required on the property.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations for the proposed off-premise sign are harmonious and compatible with nearby development and show conformance with Title 19.14.100 requirements concerning height of off-premise signs.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed off-premise sign is subject to building inspections, thereby safeguarding the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

20

NOTICES MAILED

275

APPROVALS

1

PROTESTS

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