

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-36373 - APPLICANT: REAGAN NATIONAL
ADVERTISING - OWNER: GATEWAY MOTEL, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.
2. Special Use Permit U-0028-01 shall be reviewed on an agenda closest to May 16, 2012, at which time the City Council may require removal of the Off-Premise Sign. 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 be removed.
3. 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.
4. 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.
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. 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

This is the sixth required review of a Special Use Permit (U-0028-01) that allowed a 28-foot by 24-foot Off-Premise Sign at 928 South Las Vegas Boulevard. The off-premise sign was constructed in 2001 and is in good condition, with some bird droppings on the pole. The sign otherwise meets Title 19 distance separation and zoning requirements. However, it fails to meet special area plan requirements established after the sign's construction and does not contribute to the goals of redevelopment in the area. Additionally, a previous condition of approval required the installation of bird deterrent devices on the sign; this condition has not been met. Staff therefore recommends denial. If this review is denied, the subject sign shall be removed from the property.

ISSUES

- This is the sixth review of the Special Use Permit for an Off-Premise Sign use (U-0028-01).
- The sign has been properly permitted and inspected.
- The sign does not meet a previous condition of approval requiring installation of bird deterrent devices.
- Current standards for the Las Vegas Boulevard Scenic Byway Overlay District prohibit off-premise signs within the Byway corridor.
- Current standards for the Arts District (Las Vegas Downtown Centennial Plan) require off-premise signs within the Arts District to be flush-mounted on a structure; these signs cannot be freestanding, roof-mounted or project past the walls or roof of a building.
- The existing off-premise sign is not aesthetically compatible with the surrounding uses and does not contribute in a positive manner to the scenic qualities of the Las Vegas Boulevard Scenic Byway as detailed in the Las Vegas Boulevard Scenic Byway Corridor Management Plan.
- The existing off-premise sign does not further an important objective of the Redevelopment Plan, which is "to achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan."

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/16/01	The City Council granted an appeal of the Planning Commission denial of a Special Use Permit (U-0028-01) for a proposed 45-foot tall, 14-foot by 48-foot Off-Premise Sign on the subject site, subject to review in one year. Staff recommended denial.
08/07/02	The City Council granted an appeal of the Planning Commission denial of a Required Review [U-0028-01(1)] of an approved Special Use Permit (U-0028-01), which allowed a 40-foot tall, 28-foot by 24-foot Off-Premise Sign on the subject site, subject to review in one year. Staff recommended denial.
11/19/03	The City Council granted an appeal of the Planning Commission denial of a Required Review (RQR-3024) of an approved Special Use Permit (U 0028-01), which allowed a 40-foot tall, 28-foot by 24-foot Off-Premise Sign on the subject site, subject to review in one year. Staff recommended denial.
05/05/04	The City Council adopted Ordinance No. 5694, thereby establishing the Las Vegas Boulevard Scenic Byway Overlay District and associated standards.
12/15/04	The City Council granted an appeal of the Planning Commission denial of a Required Review (RQR-5247) of an approved Special Use Permit (U-0028-01), which allowed a 40-foot tall, 28-foot by 24-foot Off-Premise Sign on the subject site, subject to review in one year. Staff recommended denial.
09/07/05	The City Council approved a Review of Condition (ROC-7358) Number 1 of a previously approved Required Review (RQR-5247) for the existing Off-Premise Sign to allow no illuminated neon on a sign in the Las Vegas Scenic Byway Overlay District where at least 75 percent of the total sign surface is required to contain neon. Staff recommended denial.
09/22/05	The Planning Commission approved a request for a Variance (VAR-8496) to allow an existing Off-Premise Sign with less than 75% neon or animated illumination to be located within the Las Vegas Boulevard Scenic Byway Overlay District on the subject site. Staff recommended denial.
01/03/07	The City Council tabled a Required Review (RQR-17518) of a previously approved Special Use Permit (U-0028-01), which allowed a 28-foot X 24-foot Off-Premise Sign on the subject site. The Planning Commission recommended approval. Staff recommended denial.
12/17/08	The City Council approved a Required Review (RQR-29727) of a previously approved Special Use Permit (U-0028-01), which allowed a 28-foot x 24-foot Off-Premise Sign on the subject site, subject to review in one year. The Planning Commission recommended approval. Staff recommended denial.
03/04/09	The City Council adopted Ordinance No. 6030, thereby modifying and consolidating review and approval procedures for signage within the Downtown Casino Overlay District, the Downtown Entertainment Overlay District and the Las Vegas Boulevard Scenic Byway Overlay District.
10/16/09	Las Vegas Boulevard, from Washington Avenue to Sahara Avenue, was designated a National Scenic Byway due to its cultural, historic and nighttime scenic amenities and abundance of neon signage.

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<i>Related Building Permits/Business Licenses</i>	
07/18/01	A building permit (#01013065) was issued for a 40-foot tall Off-Premise Sign at 928 South Las Vegas Boulevard. A final sign inspection was completed 09/24/01.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
11/12/09	A field check was conducted, during which staff found the following: • The Off-Premise Sign is in good condition, with no visible graffiti and a few bird droppings on the pole. • The sign is externally lit and is separated from the right-of-way by a chain link fence. • There are no bird deterrent devices on the sign. • Structural elements are adequately screened.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.68

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Motel	C (Commercial)	C-2 (General Commercial)
North	Restaurant	MXU (Mixed Use)	C-2 (General Commercial)
South	Convenience Store	C (Commercial)	C-2 (General Commercial)
East	Astrologer, Hypnotist or Psychic Arts & Sciences (vacant)	C (Commercial)	C-2 (General Commercial)
West	Apartments/ Motel	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Special Area Plan</i>			
Downtown Centennial Plan (18b – Las Vegas Arts District)	X		N
Redevelopment Plan Area	X		N

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Redevelopment Area	X		N
Downtown Overlay District	X		N
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		N
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

Pursuant to Title 19.14.100 and Title 19.06.140, the following standards apply to the subject request:

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within the public right-of-way, within the Off-Premise Sign Exclusionary Zone or within the Las Vegas Boulevard Scenic Byway Overlay District	Not within the Exclusionary Zone. Located outside of public ROW within the LV Blvd. Scenic Byway Overlay District	N
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within the C-2 (General Commercial) Zoning District	Y
Area	No Off-Premise Signs shall have a surface area greater than 672 square feet, except that an embellishment 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	672 SF with no embellishments	Y
Height	No higher than 40 feet from grade at the point of construction; may be raised to maximum of 55 feet with approval of City Council if significantly obscured from view of travel lanes	Maximum height of 40 feet from grade	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view	Screened from view by sign panels	Y

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Separation Distance (Off-Premise Signs)	At least 300 feet to another Off Premise Sign	460 feet from off-premise sign to the east (906 S. 6th Street), 460 feet from off-premise sign to the south (1120 S. LV Blvd.) and 470 feet from off-premise sign to the southwest (330 E. Charleston Blvd.)	Y
Separation Distance (Residential)	At least 300 feet to the nearest property line of a lot in any "R" zoned district	725 feet to R-1 zoned property to the southeast	Y
Other (18b The Arts District)	All Off-Premise Signs shall be directly mounted to and flush with the wall of a structure, and shall not be freestanding.	Freestanding sign permanently secured to ground	N

ANALYSIS

The subject site is zoned C-2 (General Commercial). An Off-Premise Sign is a permitted use in this district with the approval of a Special Use Permit. The Special Use Permit (U-0028-01) for this sign was obtained in 2001, prior to the establishment of standards for the Las Vegas Boulevard Scenic Byway Overlay District, which prohibit off-premise signs in this area.

This is the sixth review of the subject off-premise sign, which was constructed in 2001. The sign has been properly permitted and inspected. The sign also meets the basic dimensional and distance separation requirements of Title 19. However, staff has consistently recommended that the use be discontinued at this location based on its potential negative effect on redevelopment efforts in the area and more recently its incompatibility with the current requirements of the 18b Arts District and the Las Vegas Boulevard Scenic Byway Overlay District and Corridor Management Plan. Las Vegas Boulevard from Sahara Avenue to Washington Boulevard was designated a State Scenic Byway in November 2001 and attained National Scenic Byway status on October 16, 2009. One of the requirements for this designation was the adoption of a Corridor Management Plan, which calls for restoration of existing neon signs within the corridor and the removal or relocation of existing off-premise signs. The applicant obtained a Variance in 2005 to allow the sign not to contain illuminated and/or animated signage where standards of the Las Vegas Boulevard Scenic Byway Overlay District require at least 75 percent of the total sign surface area to contain illuminated signage.

Secondarily, the standards for 18b – Las Vegas Arts District of the Downtown Centennial Plan require off-premise signs to be flush-mounted on a structure. The existing off-premise sign is a freestanding structure enclosed within a chain link fence.

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FINDINGS

Although the subject off-premise sign was constructed prior to adoption of a Corridor Management Plan for the Las Vegas Boulevard Scenic Byway, this plan calls for the removal or relocation of existing off-premise signs within the Scenic Byway in order to preserve the cultural and historic heritage of neon signage along Las Vegas Boulevard. Second, the sign also does not comply with current requirements for off-premise signage in the 18b Las Vegas Arts District. Third, the continued existence of the sign does not further goals for redevelopment of the area through streetscape and building improvements. A 41-story mixed-use development is planned for the property immediately to the west of the subject site. The existing off-premise sign is incongruous with respect to new developments such as these. Last, the sign does not comply with Condition #6 of the previous review (RQR-29727), which required bird deterrent devices to be installed on the sign within 30 days of final approval by the city.

The immediate area has changed from the time the sign was constructed for the reasons stated above, and therefore the subject sign is no longer harmonious and compatible with the surrounding land uses. Staff recommends denial of this review, subject to a three year review if approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

NOTICES MAILED 387

APPROVALS 0

PROTESTS 3