



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: D&W, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39433	Staff recommends DENIAL, if approved subject to conditions:	N/A
SUP-39432	Staff recommends DENIAL, if approved subject to conditions:	VAR-39433

** CONDITIONS **

VAR-39433 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-39432) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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- 6.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-39432 CONDITIONS

Planning and Development

- 1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Off-Premise Sign use.
- 2.Approval of and conformance to the Conditions of Approval for Variance (VAR-39433) shall be required.
- 3.This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 4.All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department. The existing sign at 110 North Jones Boulevard shall be removed prior to the issuance of any building permit for the proposed sign. A demolition permit is required.
- 5.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 6.This Special Use Permit shall be reviewed in three year(s), at which time the City Council may require the Off-Premise Sign 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 be removed.
- 7.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.
- 8.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.

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9. Only one advertising sign is permitted per sign face.
10. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit and Variance 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.
11. The Off-Premise Sign supporting structure shall be redesigned to include finish materials that complement the existing on-site building. The entire face-area of both sides of the Off-Premise Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
12. Bird deterrent devices shall be installed on the sign.
13. A Demolition Permit shall be obtained, prior to the removal of the existing Off-Premise Sign.
14. The protective island at the base of the sign shall be curbed and ground cover shall be provided. The island shall not reduce required drive aisles to less than 24 feet.
15. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
16. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

17. The proposed off premise sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The sign base shall not be located within existing or proposed public sewer or drainage easements.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for the removal of an existing 50-foot tall, 14-foot by 48-foot Off-Premise Sign, located at 110 North Jones Boulevard, and to permit a 65-foot tall, 14-foot by 48-foot Off-Premise Sign located at 120 North Jones Boulevard. An existing 25-foot On-Premise Freestanding Sign is presently located where the proposed Off-Premise Sign is to be installed; the applicant has indicated that this sign will be removed. The proposed Off-Premise Sign does not meet the minimum requirements of Title 19.14, as indicated by the request for the height Variance, and staff recommends denial. If denied, the existing 50-foot, tall 14-foot by 48-foot Off-Premise Sign would remain.

ISSUES

- An Off-Premise Sign use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- Due to the height of the proposed sign, approval of a Variance (VAR-39433) is required to approve the associated request for a Special Use Permit (SUP-39432).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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 the Required Five-Year Review [U-0107-96(1)] of an approved Special Use Permit (U-0107-96) for a 14-foot by 48-foot (672 square feet each side) Off-Premise 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.
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.

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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.
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<i>Most Recent Change of Ownership</i>	
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09/28/00	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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02/17/97	A building permit (97003468) was issued for a 50-foot tall, 14-foot by 48-foot (672 square feet each side) Off-Premise Sign at 110 North Jones Boulevard. The permit was finalized on 03/04/97.
08/19/04	A building permit (04019099) was issued under plan check L-3214-04 to relocate the existing billboard due to the widening of US-95. The permit was re-issued on 07/10/08 and a letter from a Profession Engineer licensed with the State of Nevada was provided in lieu of a #225 Final Inspection per Title 19.14.100(D)6.b.

<i>Pre-Application Meeting</i>	
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08/27/10	A pre application meeting was held with the applicant, where the submittal requirements for a Special Use Permit and Variance were discussed.
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<i>Neighborhood Meeting</i>	
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A neighborhood meeting was not required, nor was one held.	
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<i>Field Check</i>	
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09/16/10	The site contains an existing 50-foot Off-Premise Sign, with a storage container at the base containing equipment, ripped chain link fencing and no bird deterrent devices.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Net Acres	14.49
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Condominiums	M (Medium Density Residential)	R-PD13 (Residential Planned Development – 13 Units per Acre)
South	Right-of-Way (US 95)	Right-of-Way (US 95)	Right-of-Way (US 95)
East	Apartments	M (Medium Density Residential)	R-4 (High Density Residential)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Standards</i>	<i>Code Requirement</i>	<i>Provided</i>	<i>Compliance</i>
Location	No Off-Premise Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Sign is not in right-of-way and is not located within the Off-Premise Sign Exclusionary Zone	Y

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Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-V, C-M and M Zoning Districts only	Sign is in C-1 Zoning District	Y
Area	No Off-Premise Signs 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.	672 square feet with no embellishments	Y
Height	An Off-Premise Sign within 150 feet of the right-of way of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.	65 feet (58 feet above US-95)	N
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	All structural elements screened from view	Y
Off-Premise Sign	At least 750 feet to another Off-Premise Sign along US -95	Approximately 830 feet	Y
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Approximately 308 feet from closest residentially-zoned property	Y

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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.	The Off-Premise Sign is permanently secured to the ground on C-1 (Limited Commercial) zoned property.	Y
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<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Jones Boulevard: Secondary Collector</i>	Master Plan of Streets and Highways	80	Y

ANALYSIS

An Off-Premise Sign use is defined by Title 19.20.020 as “any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not located nor available on the lot where the sign is erected or placed.”

The subject site contains an existing Shopping Center and is located in the Airport Overlay District (175 feet); the proposed Off-Premise Sign meets the restriction of 175 feet. Title 19.14.100(C) 7(a) allows for an Off-Premise Sign within 150 feet of the right-of-way line of an elevated freeway or highway to which it is oriented to be erected 30 feet above the elevation of the elevated roadway surface nearest the sign. The Off-Premise Sign 50 feet tall would be permitted with the approval of Special Use Permit (SUP-39432), but the requested height of 65 feet is 15 feet taller than permitted, which is a 23 percent deviation, and would require approval of a variance (VAR-39433).

Since the hardship is a self-created, staff recommends denial of the Variance and consequently, staff recommends denial of this Special Use Permit request.

FINDINGS (VAR-39433)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing an Off-Premise Sign that is 15 feet taller than permitted by code. Alternatively, the Off-Premise Sign could be lowered to 50 feet in height to conform to Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SUP-39432)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

The proposed land use is compatible with existing surrounding land uses; however, the height of the structure exceeds that allowed by Title 19.14, and will not be harmonious with the surrounding existing land uses.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is physically suitable for the type and intensity of the existing Off-Premise Sign use. However, the height of the structure on the lot does not conform to Title 19.14 standards.

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3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Access to the subject sites is provided via Jones Boulevard. The sites will be sufficiently served by existing roadway facilities.

4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

If approved, the proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

As conditioned, the proposed use meets all applicable conditions of Title 19.04, with the exception of the requested height of 65 feet.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 599

APPROVALS 1

PROTESTS 1