

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 16, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-17764 - APPLICANT: LAMAR ADVERTISING - OWNER:**  
**FOSTER DAY CORPORATION**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0-1/sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to 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 Advertising (Billboard) Sign is removed.
2. 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.
3. 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.
4. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, and (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City Departments shall be satisfied.
6. Limiting this sign to non-LED signs.

**\*\* STAFF REPORT \*\*****PROJECT DESCRIPTION**

This is a Required Two Year Review of an approved Special Use Permit (U-0036-95) which allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 2401 North Decatur Boulevard.

This is the fourth review of the subject Special Use Permit (U-0036-95). The continued use of the existing Off-Premise Advertising (Billboard) Sign is not appropriate at its existing location due its proximity to residential zoning to the north. Also, the billboard is five feet taller than what is allowed by the Airport Overlay District. Therefore, staff is recommending denial of the Required Review with an additional review within two years, if approved.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/21/95	The City Council approved a Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 2401 Decatur Boulevard. The Board of Zoning Adjustment recommended denial. Staff recommended approval on 04/25/95.
08/03/00	The City Council approved a Five-Year Review [U-0036-95(1)] on a Special Use Permit for a 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 2401 Decatur Boulevard. The Planning Commission and staff recommended approval on 06/22/00.
09/18/02	The City Council approved a Two-Year Review [U-0036-95(2)] on a Special Use Permit for a 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 2401 Decatur Boulevard. The Planning Commission and staff recommended denial on 08/22/02.
10/20/04	The City Council approved a Required Two-Year Review (RQR-4959) of an approved Special Use Permit (U-0036-95) which allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 2401 North Decatur Boulevard. The Planning Commission and staff recommended denial on 09/23/04.
04/12/07	The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #41/ng).
<b><i>Related Building Permits/Business Licenses</i></b>	
09/12/95	A building permit was issued on the indicated date. The applicant has received all required approvals from the building department.

<b>Site Inspection</b>	
11/30/06	A site inspection was completed on the indicated date. The inspection revealed that the billboard does not contain any illegal embellishments and is in good condition.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
North	Auto Repair Garage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
West	Clark County	Clark County	Clark County

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		
A-O Airport Overlay District		X	*N
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>	X		Y
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>	X		Y

\* The existing sign stands 40 feet in height, therefore being in violation of the 35-foot height restriction placed by the Airport Overlay District, which was adopted in 1990.

**ANALYSIS**

This is the fourth review of the subject Special Use Permit (U-0036-95). The Off-Premise Advertising (Billboard) Sign use is inappropriate, in that it is located approximately 80 feet from residentially zoned property to the north. Off-Premise Advertising (Billboard) Signs are not

allowed within 300 feet of any residentially zoned properties. Also, the billboard currently is not in conformance with the standards set forth by Title 19.14.100. The subject billboard exceeds the Airport Overlay District height restriction by five feet, therefore being in non-conformance. Therefore, staff is recommending denial of the subject Required Review.

#### **Previous Conditions of Approval From Required Review (RQR-4959)**

1. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premise Sign use and other applicable sign requirements.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to 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 advertising (billboard) sign be removed.
3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
4. Only one advertising sign is permitted per sign face.
5. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
6. If the off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

#### **FINDINGS**

The continued use of the existing Off-Premise Advertising (Billboard) Sign is not appropriate at its existing location due its proximity to residential zoning to the north. Also, the billboard is five feet taller than what is allowed by the Airport Overlay District. Therefore, staff is recommending denial of the Required Review with an additional review within two years, if approved.

**PLANNING COMMISSION ACTION**

The Planning Commission added condition #6.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 4

**NOTICES MAILED** 155 by City Clerk

**APPROVALS** 0

**PROTESTS** 0