



**AGENDA MEMO - PLANNING**

**PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT: ELITE MEDIA - OWNER: CITY OF LAS VEGAS**

**\*\* STAFF RECOMMENDATION(S) \*\***

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
<b>VAR-55026</b>	Staff recommends APPROVAL, subject to conditions:	SUP-54828
<b>SUP-54828</b>	Staff recommends APPROVAL, subject to conditions:	
<b>VAR-55027</b>	Staff recommends APPROVAL, subject to conditions:	SUP-54829
<b>SUP-54829</b>	Staff recommends APPROVAL, subject to conditions:	

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

**VAR-55026 CONDITIONS**

***Planning***

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-54828).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SUP-54828 CONDITIONS

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### Planning

1. Conformance to all Off-Premise Sign Minimum Requirements under LVMC Title 19.12.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. This Special Use Permit shall be reviewed in five (5) 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.
6. 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.
7. 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.
8. Only one advertising sign is permitted per sign face.
9. Bird deterrent devices shall be installed on the sign.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## VAR-55027 CONDITIONS

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### Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-54829).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SUP-54829 CONDITIONS

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### Planning

1. Conformance to all Off-Premise Sign Minimum Requirements under LVMC Title 19.12.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.

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4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. This Special Use Permit shall be reviewed in five (5) 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.
6. 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.
7. 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.
8. Only one advertising sign is permitted per sign face.
9. Bird deterrent devices shall be installed on the sign.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is applying for two Special Use Permits to install two Off-Premise Signs at the City Detention Center, a C-V (Civic) zoned, City property at 3100 Stewart Avenue. In 2013, the Planning Commission approved a Special Use Permit (SUP-49534) for an Off-Premise sign on the subject site. The proposed Off-Premise Signs would be the second and third at the subject site. The proposed off-premise signs meet all minimum code requirements with the exception of overall height. The applicant is requesting Variances (VAR-55026 and VAR-55027) to allow each sign to be 92 feet tall where the maximum height allowed is 75 feet. The proposed Off-Premise signs would be located adjacent to an elevated freeway and its accompanying 20-foot tall sound attenuation wall. The additional height is necessary to achieve full sign visibility from the freeway; therefore, staff supports the request. If denied, the two proposed Off-Premise Signs would not be allowed on this site.

**ISSUES**

- A Special Use Permit is required for an Off-Premise Sign in a C-V (Civic) district. The applicant is proposing two Off-Premise Signs; therefore two Special Use Permits are required.
- The applicant is requesting an overall height of 92 feet for both Off-Premise Signs; therefore, two Variances are required.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i>	
04/15/64	The City Council approved Rezoning (Z-0024-64) from R-1 (Single Family Residential) and R-3 (Medium Density Residential) to C-V (Civic) for property located on the northeast corner of Mohave Road and Stewart Avenue.
11/04/81	The City Council approved Site Development Plan Review (CV-0002-81) for an adult misdemeanor detention facility on the northeast corner of Mohave Road and Stewart Avenue. The Planning Commission and staff recommended approval.
11/07/90	The City Council approved a Special Use Permit (U-0017-89) for the expansion of an existing detention facility on the northeast corner of Mohave Road and Stewart Avenue. The Planning Commission and staff recommended approval.

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<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b>	
07/09/13	The Planning Commission approved a Special Use Permit (SUP-49534) for an Off-Premise Sign at 3100 Stewart Avenue. Staff recommended approval.
07/24/14	Staff administratively approved a Minor Amendment (SUP-55029) of a previously approved Special Use Permit (SUP-49534) to increase the height of an existing Off-Premise Sign by less than 50% of the original approval.
08/12/14	The Planning Commission is scheduled to hear a request for a Variance (VAR-55028) to raise the height of the existing Off-Premise Sign from 75 feet to 92 feet at 3100 Stewart Avenue.

<b><i>Most Recent Change of Ownership</i></b>	
Circa 1954	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
12/12/13	A building permit (#249810) was issued for an off-premise sign at 3100 Stewart Avenue. The permit has not received a final inspection.

<b><i>Pre-Application Meeting</i></b>	
01/16/13	Staff met with the applicant and reviewed the requirements for an Off-Premise Sign Special Use Permit application.

<b><i>Neighborhood Meeting</i></b>	
No neighborhood meeting was required nor was one held.	

<b><i>Field Check</i></b>	
06/03/13	Staff visited the site and found a well maintained City property.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	11.69

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	City Detention Center	PF (Public Facilities)	C-V (Civic)
North	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way
South	School	PF (Public Facilities)	C-V (Civic)
	Warehouse	LI/R (Light Industrial/Research)	M (Industrial)
	Undeveloped	LI/R (Light Industrial/Research)	M (Industrial)
East	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way
West	Undeveloped	M (Industrial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
C-V (Civic) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Mohave Road	Primary Arterial	Master Plan of Streets and Highways	100	Y
Stewart Avenue	Primary Arterial	Master Plan of Streets and Highways	100	Y
U.S. 95	Freeway	Master Plan of Streets and Highways	200	Y

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Standards	Code Requirements	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	The signs are not in public right-of-way, nor are they in the Off-Premise Exclusionary Sign Zone	Y
Zoning	Off-Premise Signs are permitted in C-V (Civic) district if the parcel is operated or controlled by an agency of local, state or federal government.	The signs are located in a C-V (Civic) zoning district, which is controlled by the City of Las Vegas.	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.	The signs are both 672 square feet in size and have a 60-foot embellishment.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to be 30 feet above an adjacent elevated freeway.	The signs are both adjacent to an elevated freeway and 92 feet tall, which is more than 30 feet taller than the elevated freeway.	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 of the signs are screened from public view.	Y
Off-Premise Sign	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	The signs are more than 750 feet from another Off-Premise Sign and at least 750 feet from each other.	Y
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" or "U" zoned districts.	The signs are more than 600 feet from any property line zoned either "R" or "U."	Y
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 signs are permanently attached to the ground and detached from any other structures.	Y

## ANALYSIS

The Off-Premise Sign use is defined as “Off-premise signs are to be considered primarily a specific type of land use rather than as an incidental use to an existing land use. Off-premise signs generally produce revenue to the property owner(s) as a land use as compared to on-premise signs which in themselves do not produce revenue but are incidental to revenue producing land use. However, because of the special characteristics of off-premise signs as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with off-premise signs as a permitted use in certain zoning districts.” The proposed use meets the definition, since the property owner will be obtaining revenue from the proposed signage.

The Minimum Special Use Permit Requirements for this use include:

- 1.No off-premise signs shall be erected in the public right-of-way.  
*The proposed signs are not located in the public right-of-way.*
- 2.No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Title (including those protecting existing signs).  
*The proposed signs meet all minimum requirements for an Off-Premise Sign, with the exception of overall height. The applicant has requested two associated Variances to allow overall heights of 92 feet for each Off-Premise Sign.*
- 3.Except as provided in Paragraph (12) below, off premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only.  
*Per Paragraph (12), an Off-Premise Sign is permitted in the C-V (Civic) district if it is controlled by a local government. The parcel meets the criteria.*
- 4.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. Any embellishment may include lettering, text, numerals or images, but only to the extent that such items do not exceed fifty percent of any linear side of the sign.  
*The proposed signs are 672 square feet, with a 60-foot embellishment.*
- 5.Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall be no closer than 750 feet (measured along the highway frontage) to any other off-premise sign along the same frontage. Each side of the highway shall be considered a separate frontage. The sign and all other off-premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off premise sign, wherever located, including an off premise sign that is situated outside the corporate boundaries of the City.

*The nearest Off-Premise Sign is more than 750 feet to the east of the proposed signs. In addition, the proposed signs are at least 750 feet away from each other.*

6. Off-premise signs shall be no higher than 40 feet from grade at the point of construction, except that an off-premise sign within 60 feet of the right-of-way line of the street to which it is oriented which, at a height of 40 feet, will have a significant portion of its display surface obscured from view from the travel lanes of the street may be increased to a maximum of 55 feet when authorized by the City Council.

*The proposed signs are adjacent to the U.S. 95 Freeway and are 92 feet tall. Variance applications are required to allow the additional height.*

7. Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.

*The proposed signs are more than 10 feet from a right-of-way line and more than 280 feet from the nearest intersection.*

8. No off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in the "U" zoning district or any "R" zoning district.

*The nearest "R" zoned property is located at least 600 feet to the west of the proposed signs.*

9. An off-premise sign may be permitted in the C-V (Civic) District if in each case the parcel or use is operated or controlled by an agency of local, state or federal government, or by any fraternal, veteran, civic or service organization.

*The proposed signs are located on a detention center owned and controlled by the City of Las Vegas.*

The proposed Off-Premise Signs are designed within all Title 19 code standards, with the exception of overall height. The applicant is requesting Variances (VAR-55026 and VAR-55027) to allow each sign to be 92 feet tall where the maximum height allowed is 75 feet. The proposed Off-Premise signs would be located adjacent to an elevated freeway and its accompanying 20-foot tall sound attenuation wall. The additional height is necessary to achieve full sign visibility from the freeway. In addition, the proposed signs are aesthetically pleasing and compatible with the area. The 2020 Master Plan, Fiscal Management Policy 6.1.6 states: "That the City, where possible use public/private partnerships to pay for public capital improvements." This project supports this policy as a revenue source. For these reasons, staff recommends approval of both Special Use Permit applications and associated Variance applications, with conditions.

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**FINDINGS (VAR-55026)**

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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 19.16.140(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.”

The applicant has provided evidence of a unique or extraordinary circumstance, in that the existing elevated freeway located to the north of the subject site contains a 20-foot tall sound attenuation wall. The request to construct a 92-foot tall Off-Premise Sign is necessary to obtain full visibility over the existing sound wall. In view of this hardship imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

**FINDINGS (VAR-55027)**

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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 19.16.140(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.”

The applicant has provided evidence of a unique or extraordinary circumstance, in that the existing elevated freeway located to the north of the subject site contains a 20-foot tall sound attenuation wall. The request to construct a 92-foot tall Off-Premise Sign is necessary to obtain full visibility over the existing sound wall. In view of this hardship imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

**FINDINGS (SUP-54828)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 Off-Premise Sign can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

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

The C-V (Civic) zoned, Detention Center site is suitable for the proposed use.

**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.**

Site access is provided from Stewart Avenue, a 100-foot Primary Arterial Street and is adequate in size to accommodate the proposed Off-Premise Sign use.

**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.**

Approval of the proposed Special Use Permit will be consistent with the objectives of the General Plan and all code requirements.

**5.The use meets all of the applicable conditions per Title 19.12.**

The proposed Off-Premise Sign use complies with all Title 19 requirements with the exception of overall height. An associated Variance application has been requested to allow a 92-foot tall Off-Premise sign where 75 feet is the maximum height allowed

**FINDINGS (SUP-54829)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 Off-Premise Sign can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

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

The C-V (Civic) zoned, Detention Center site is suitable for the proposed use.

**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.**

Site access is provided from Stewart Avenue, a 100-foot Primary Arterial Street and is adequate in size to accommodate the proposed Off-Premise Sign use.

**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.**

Approval of the proposed Special Use Permit will be consistent with the objectives of the General Plan and all code requirements.

**5.The use meets all of the applicable conditions per Title 19.12.**

The proposed Off-Premise Sign use complies with all Title 19 requirements with the exception of overall height. An associated Variance application has been requested to allow a 92-foot tall Off-Premise sign where 75 feet is the maximum height allowed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 45

**NOTICES MAILED** 220 [VAR-55026 & SUP-54828]  
220 [VAR-55027 & SUP-54829]

**APPROVALS** 0

**PROTESTS** 0