



**AGENDA MEMO - PLANNING**

**PLANNING COMMISSION MEETING DATE: MARCH 12, 2013**

**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>
SUP-48182	Staff recommends APPROVAL, subject to conditions:	

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

**SUP-48182 CONDITIONS**

***Planning***

1. Conformance to all Off-Premise Sign use 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.
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.

YK

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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 a Special Use Permit to install an Off-Premise Sign at Fountain Park, a C-V (Civic) zoned, City property at 1400 North Decatur Boulevard. The proposed Off-Premise Sign meets all minimum code requirements. Staff recommends approval. If denied, no Off-Premise Sign would be allowed on this site.

**ISSUES**

A Special Use Permit is required for an Off-Premise Sign in a C-V (Civic) district. Staff supports this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b>	
02/23/05	The Planning Commission approved a Site Development Plan Review (SDR-1327) for park improvements, including soccer fields, basketball courts, picnic areas and concession/restroom area at 1400 North Decatur Boulevard. Staff recommended approval.

<b><i>Most Recent Change of Ownership</i></b>	
Circa 1955	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
No related permits or business licenses are currently active.	

<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. No issues were noted.

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

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<i>Field Check</i>	
01/31/13	Staff visited the site and found a well maintained, clean public park.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	49.28

<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	Public Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
North	Office	PF (Public Facilities)	C-V (Civic)
South	Golf Course	PF (Public Facilities)	C-V (Civic)
East	Golf Course	PF (Public Facilities)	C-V (Civic)
West	General Retail	SC (Service Commercial)	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>
A-O (Airport Overlay) District 105-Feet	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
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>
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y

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Standards	Code Requirements	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	The sign is not in public right-of-way, nor is it 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 sign is located in an C-V (Civic) zoning district and 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 sign is 525 square feet in size and has no embellishments.	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 sign is 28 feet tall.	Y
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 sign 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 sign is more than 960 feet from another Off-Premise Sign.	Y
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" or "U" zoned districts.	Sign is more than 390 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.	Sign is permanently attached to the ground and detached from any other structures.	Y

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## 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 a 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 sign is 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 sign meets all minimum requirements for an 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) zoning 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 sign is 525 square-feet, with no embellishments.*
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 960 feet to the northwest of the proposed sign.*

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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 sign is 28 feet in height and is less than the maximum height allowed.*

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 sign is 860 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 390 feet to the west of the proposed sign, on the west side of Decatur Boulevard.*

9. An off-premise sign may be permitted in the C-V 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 sign is located in a public park owned and controlled by the City of Las Vegas.*

The proposed Off-Premise Sign is aesthetically pleasing in that it has elements of the “Welcome to Las Vegas” sign, famously located on Las Vegas Boulevard. Some of the elements include the words, “City of Las Vegas” and the atomic star. The sign blends into the surrounding area, since it is only 28 feet in height instead of the allowed 40 feet, which is standard. The two faces of the sign will have full color message units in LED. The overall color scheme of the frame and casing is red, white and blue, with a ribbon of yellow.

The proposed Off-Premise Sign is designed within all Title 19 code standards, is aesthetically pleasing and compatible with the area. The Las Vegas 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, with conditions.

### **FINDINGS (SUP-48182)**

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.**

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The proposed Off-Premise Sign use can be conducted in a manner that is harmonious and compatible with the existing site.

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

The C-V (Civic) zoned, public park 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 Decatur Boulevard, 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 and not compromise the public health, safety and general welfare as the use will be subject to regular inspections by business licensing staff.

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

The proposed Off-Premise Sign use complies with all minimum Special Use Permit requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26**

**NOTICES MAILED 245**

**APPROVALS 0**

**PROTESTS 0**