

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4187 - APPLICANT/OWNER: BARRICK-BREO II, LIMITED LIABILITY COMPANY - Required Two Year Review on an approved Special Use Permit (U-0106-95), WHICH ALLOWED A 440 SQUARE FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 310 South Main Street (APN: 139-34-201-003), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman filed under Items 3 and 101

MOTION:

WEEKLY – APPROVED subject to conditions – **UNANIMOUS** with GOODMAN abstaining because members of his law office are involved in negotiations with billboard companies

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

MAYOR PRO-TEM REESE declared the Public Hearing open.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 137 – RQR-4187

MINUTES Continued:

JENNIFER ROBERTS, Lionel Sawyer & Collins, 300 South Fourth Street, Suite 1700, appeared on behalf of the applicant with GREG BORGEL, the zoning consultant for the project, and concurred with all conditions. COUNCILMAN MACK confirmed with MR. BORGEL that this review does not pertain to a billboard sign but is for an off premise sign for the Las Vegas Club. Because the item does not involve a billboard, COUNCILMAN MACK indicated he would be voting.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

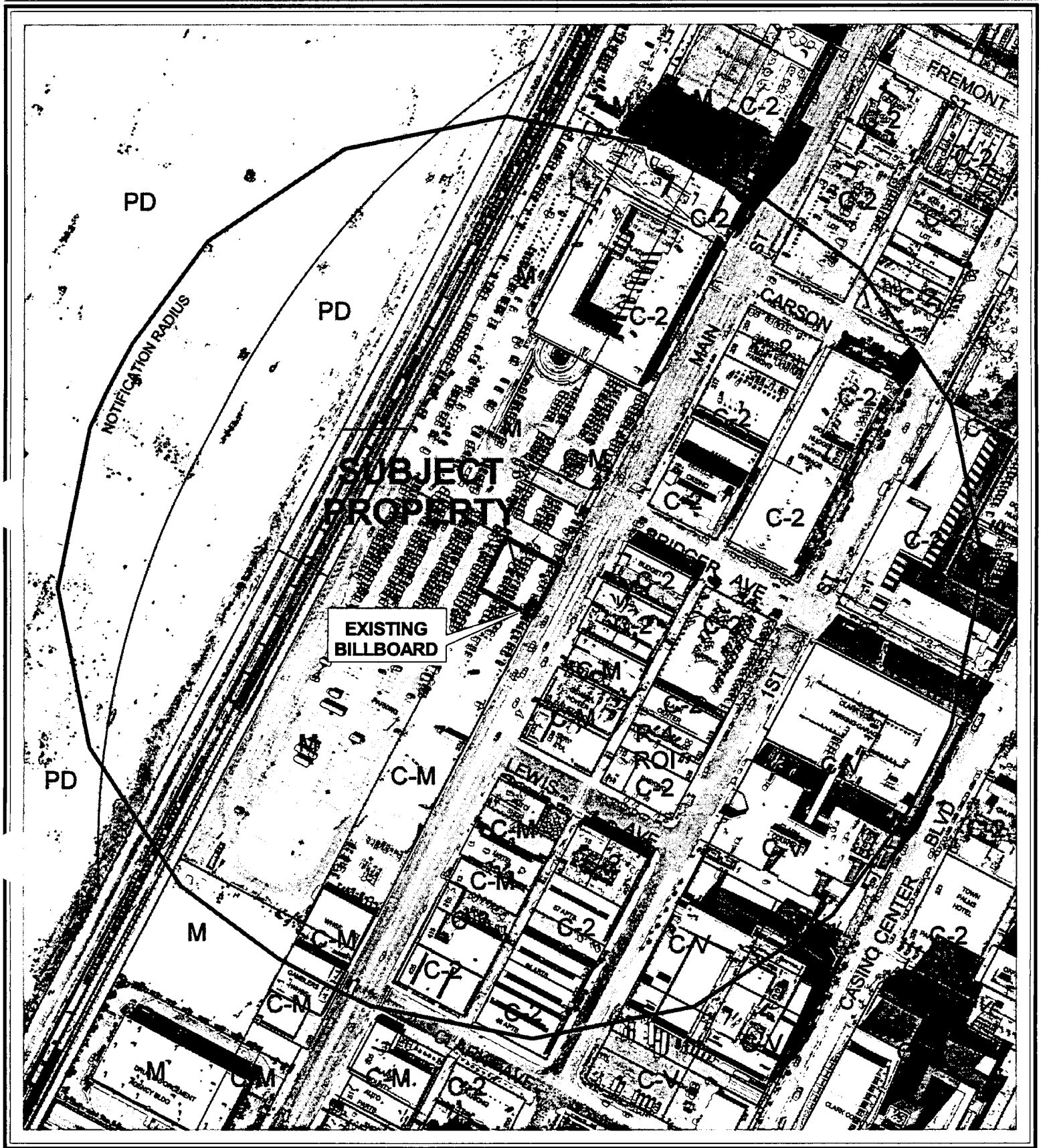
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5-2570

CONDITIONS:

Planning and Development

1. The Special Use Permit shall be reviewed in two 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 is removed.
2. If the existing 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 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.
3. 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.
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 advertising sign.
5. All City Code requirements and design standards of all City departments must be satisfied.



CASE: RQR-4187

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-4187 - APPLICANT/OWNER: BARRICK-BREO II, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in two 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 is removed.
2. If the existing 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 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.
3. 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.
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 advertising sign.
5. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required two-year review on an approved Special Use Permit (U-0106-95), which allowed a 440 square foot off-premise advertising (billboard) sign at 310 South Main Street.

B) Applicant's Justification

A justification letter is not required as part of this application.

BACKGROUND INFORMATION

A) Previous Actions

- 10/18/95 The City Council approved a Special Use Permit (U-0106-95) for a 440 square foot on-premise sign to be relocated to an off-premise location. The Board of Zoning Adjustment and staff recommended approval.
- 12/06/00 The City Council approved a required five-year review [U-0106-95(1)] for a 440 square foot off-premise sign. The Planning Commission and staff recommended approval.
- 05/01/02 The City Council approved a required one-year review [U-0106-95(2)] for a 440 square foot off-premise sign. The Planning Commission and staff recommended approval.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #6/kcw).

B) Pre-Application Meeting

A pre-application meeting is not required as part of this application.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.25
Net Acres: 0.24

B) Existing Land Use

Subject Property: Parking Lot
 North: Parking Lot
 South: Parking Lot
 East: Commercial Retail
 West: Parking Lot

C) Planned Land Use

Subject Property: DTR-C (Downtown Redevelopment Plan – Commercial)
 North: DTR-C (Downtown Redevelopment Plan – Commercial)
 South: DTR-C (Downtown Redevelopment Plan – Commercial)
 East: DTR-C (Downtown Redevelopment Plan – Commercial)
 West: DTR-C (Downtown Redevelopment Plan – Commercial)

D) Existing Zoning

Subject Property: C-M (Commercial/ Industrial)
 North: C-M (Commercial/ Industrial)
 South: C-M (Commercial/ Industrial)
 East: C-2 (General Commercial)
 West: M (Industrial)

E) General Plan Compliance:

Southeast General Plan

The DTR-C (Downtown Redevelopment -Commercial) category of the Downtown Redevelopment Plan of the Southeast Sector Land Use Plan of the General Plan permits the uses allowed in the O (Office), SC (Service Commercial), and GC (General Commercial) land use designations as described in the General Plan. The current C-M (Commercial/ Industrial) zoning of the site is not consistent with DTR-C land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Downtown Redevelopment Plan	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet to another Off Premise Sign	300 feet

An off premise advertisement (billboard) sign not oriented toward the same highway cannot be closer than 300 feet in any direction to another off premise advertisement (billboard) sign. The nearest billboard oriented to Main Street similar to the subject sign is beyond the 300-foot distance from the subject sign.

B) General Analysis and Discussion

- Zoning

The subject property is currently zoned C-M (Commercial/ Industrial). The existing off-premise advertising (billboard) sign is permitted in the C-M (Commercial/ Industrial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.100 permits the removal of the sign if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not substantially changed since initial approval of this Special Use Permit.

- Conditions

Conditions of approval from the last review of 5/01/02:

1. The Special Use Permit shall be reviewed in two 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 is removed.
2. If the existing 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 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.
3. 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.

A site visit of the parcel found the sign in conformance with conditions of U-0106-95.

FINDINGS

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.”**

Title 19.14.100 permits the removal of the signs if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not seen substantial change since initial approval of this Special Use Permit.

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

There are no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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.”**

The continuation of the off-premise advertising (billboard) sign use will not affect existing public rights-of-way adjacent to this request.

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.”**

This billboard use is in conflict with an assertion of the Master Plan 2020 that “the visual image of the ‘streetscape’ and ‘roadscape’ environments is perhaps the most important single factor in the perception of quality of life for both the resident and the visitor to Las Vegas”.

NOTICES MAILED 36 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4187** APN: 139-34-201-003
 Name of Property Owner: Barrick-BREO II, LLC
 Name of Applicant: Barrick-BREO II, LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

XXX Yes XXX No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

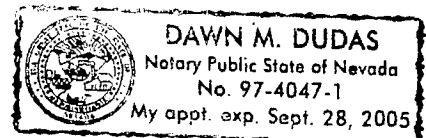
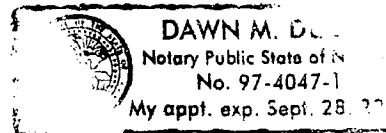
Signature of Property Owner/Authorized Agent: *Phil Flaherty*

Print Name: Phil Flaherty

Subscribed and sworn before me

This 25th day of March, 2004

Dawn M. Dudas
 Notary Public in and for said County and State





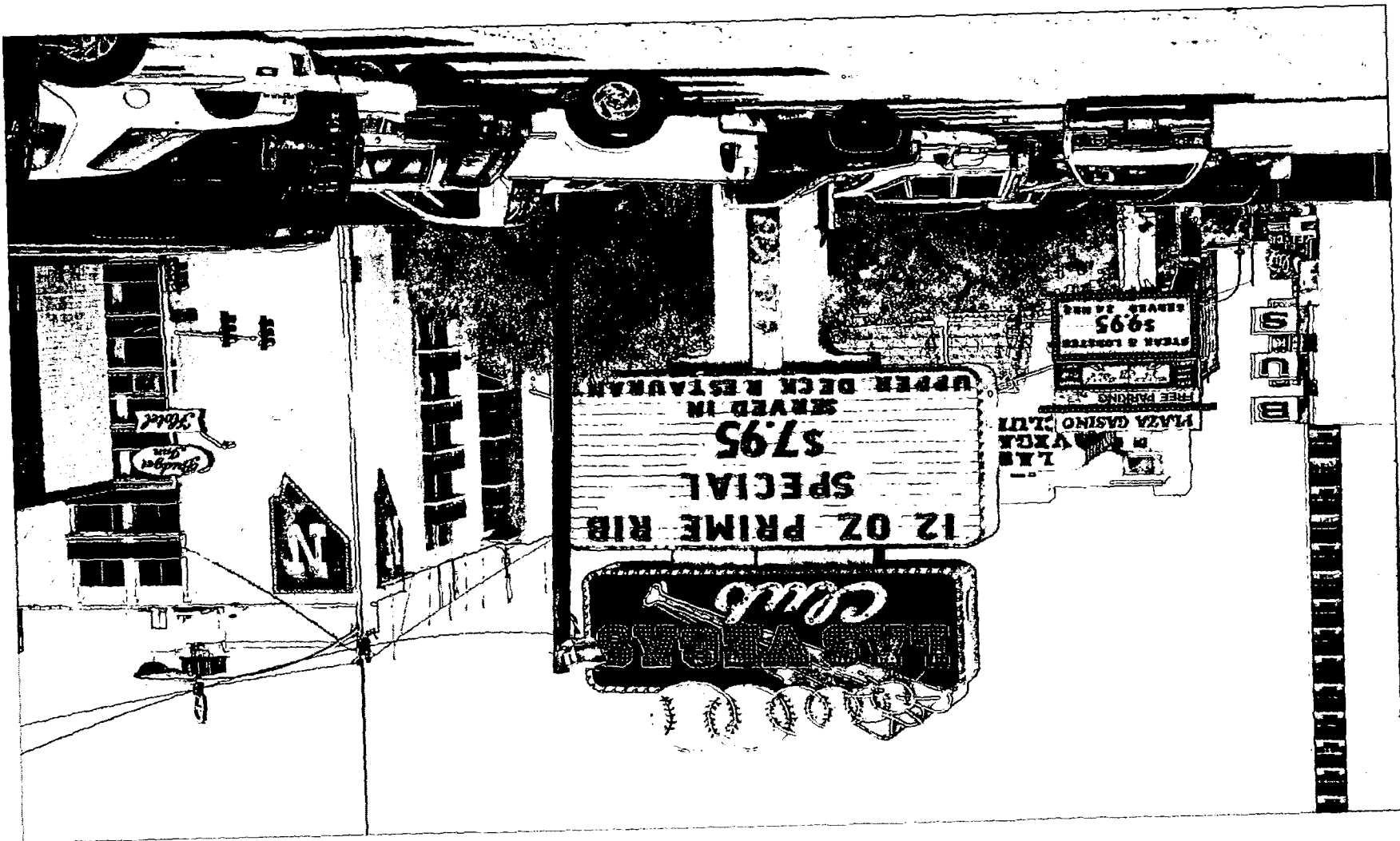
RQR-4187 - APPLICANT/OWNER: BARRICK-BREO II, LIMITED LIABILITY COMPANY
310 SOUTH MAIN STREET
MAY 27, 2004 PLANNING COMMISSION

5/3/04

5/3/04

MAY 27, 2004 PLANNING COMMISSION

RQR-4187 - APPLICANT/OWNER: BARRICK-BREO II, LIMITED LIABILITY COMPANY
310 SOUTH MAIN STREET



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4238 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: 7-ELEVEN, INC. - Required Two Year Review of an approved Special Use Permit (U-0315-94), WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6070 West Sahara Avenue (APN: 163-01-401-010), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (4-3 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest letter from David A. Mulkey, M.D.
5. Submitted at City Council – City Attorney's Office Written Opinion for Mayor Goodman filed under Items 3 and 101
6. Submitted at City Council – City Attorney's Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

MONCRIEF – APPROVED subject to conditions– **UNANIMOUS** with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEUMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 138 – RQR-4238

MINUTES Continued:

because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONECUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, appeared on behalf of the applicant and concurred with all conditions.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:11 – 4:12)

5-1012

CONDITIONS:

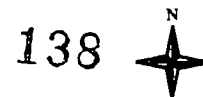
Planning and Development

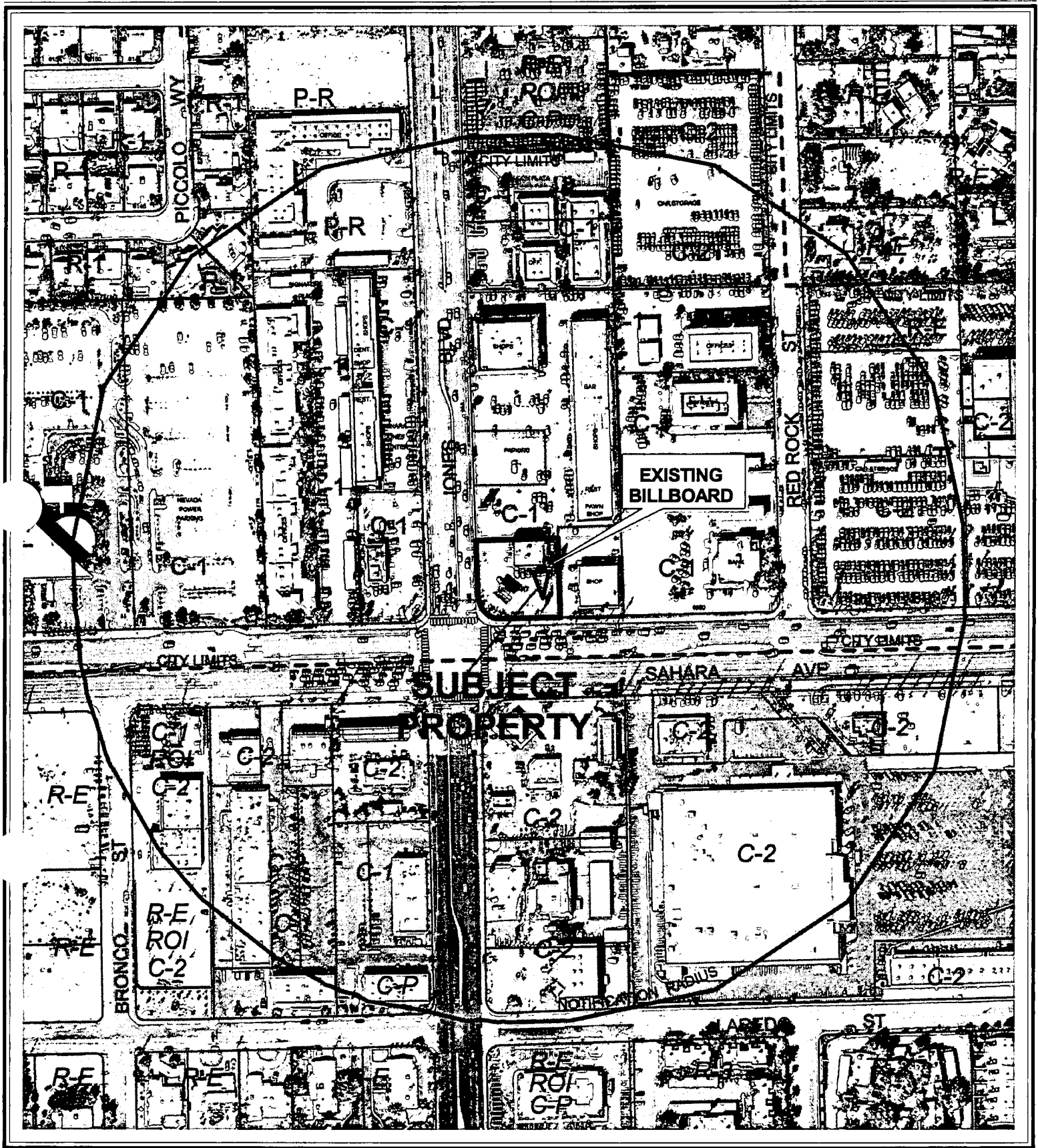
1. The Special Use Permit shall be reviewed in three (3) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing 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 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.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 138 – RQR-4238

CONDITIONS Continued:

3. 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.
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 advertising sign.
5. All City Code requirements and design standards of all City departments must be satisfied.





CASE: RQR-4238

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4238 - APPLICANT: LAMAR OUTDOOR ADVERTISING
- OWNER: 7-ELEVEN, INC.**

**** CONDITIONS ****

The Planning Commission (4-3 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 is removed.
2. If the existing 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 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.
3. 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.
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 advertising sign.
5. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required two-year review on an approved Special Use Permit (U-0315-94), which allowed a 14 x 48 foot off-premise advertising (billboard) sign at 6070 West Sahara Avenue.

B) Applicant's Justification

A justification letter is not required as part of this application.

BACKGROUND INFORMATION

A) Previous Actions

- 01/18/95 The City Council approved a Special Use Permit (U-0315-94) for one 672 square foot (14 foot x 48 foot), 40 foot high off-premise advertising (billboard) sign on the site, subject to a five year review.
- 03/01/00 The City Council approved a Required Five Year Review [U-0315-94(1)] for one 672 square foot (14 foot x 48 foot), 40 foot high off-premise advertising (billboard) sign on the site, subject to a two-year review. The Planning Commission and staff recommended approval.
- 05/01/02 The City Council considered the appeal from the denial by the Planning Commission on a required two review of a Special Use Permit [U-0315-94(2)], which allowed a 40-foot high, 14 x 48 foot off-premise advertising (billboard) sign. The Planning Commission and staff recommended approval.
- 05/27/04 The Planning Commission voted 4-3 to recommend APPROVAL (PC Agenda Item #7/kcw).

B) Pre-Application Meeting

A pre-application meeting is not required as part of this application.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.51
Net Acres: 0.507

B) Existing Land Use

Subject Property: Commercial
North: Parking Lot
South: Sahara Avenue, Commercial
East: Commercial
West: Commercial

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: Clark County
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: Clark County
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance: Southwest General Plan

The SC (Service Commercial) category of the Southwest Sector Land Use Plan of the General Plan allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The C-1 (Limited Commercial) zoning is consistent with the SC land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not within any Special Plan Area or Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet to another Off Premise Sign	300 feet

An off premise advertisement (billboard) sign not oriented toward the same highway cannot be closer than 300 feet in any direction to another off premise advertisement (billboard) sign. The nearest billboard oriented to Sahara Avenue like the subject sign is beyond the 300-foot distance from the subject sign.

B) General Analysis and Discussion

- Zoning

The subject property is currently zoned C-1 (Limited Commercial). The existing off-premise advertising (billboard) sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.100 permits the removal of the sign if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not seen substantial change since initial approval of this Special Use Permit.

- Conditions

Conditions from the last review U-0315-94 (2):

1. The Special Use Permit shall be reviewed in two 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 is removed.
2. If the existing 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 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.
3. 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.

4. All City Code requirements and design standards of all City departments must be satisfied.

A site visit of the parcel found the sign in conformance with conditions of U-0315-94.

FINDINGS

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."**

Title 19.14.100 permits the removal of the signs if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not seen substantial change since initial approval of this Special Use Permit.

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

There are no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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."**

The continuation of the off-premise advertising (billboard) sign use will not affect existing public rights-of-way adjacent to this request.

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."**

This billboard use is in conflict with an assertion of the Master Plan 2020 that "the visual image of the 'streetscape' and 'roadscape' environments is perhaps the most important single factor in the perception of quality of life for both the resident and the visitor to Las Vegas".

NOTICES MAILED 36 by City Clerk

APPROVALS 0

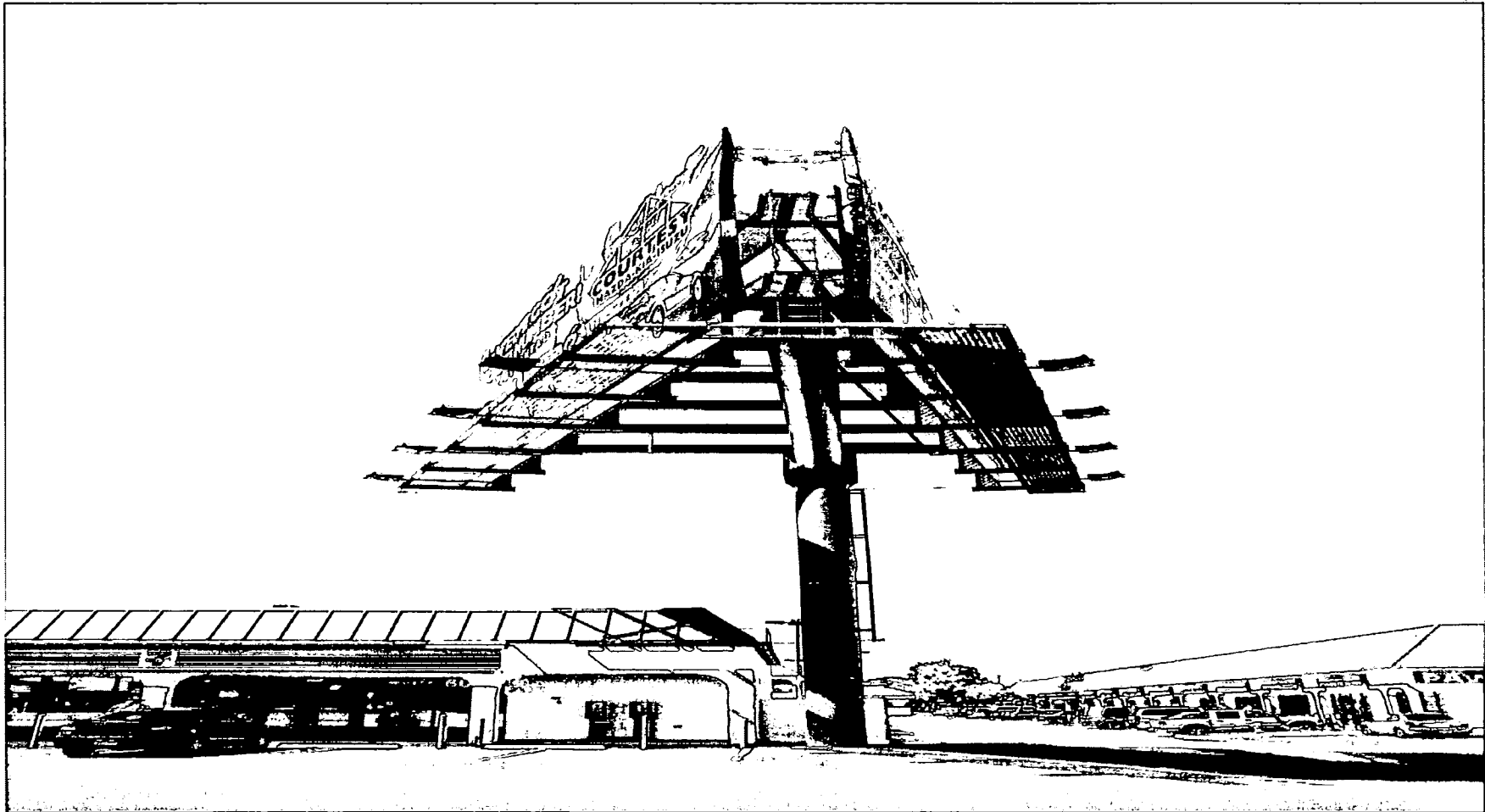
PROTESTS 0





RQR-4238 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: 7-ELEVEN, INC.
6070 WEST SAHARA AVENUE
MAY 27, 2004 PLANNING COMMISSION

4/29/04



RQR-4238 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: 7-ELEVEN, INC.
6070 WEST SAHARA AVENUE
MAY 27, 2004 PLANNING COMMISSION

4/29/04



RQR-4238 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: 7-ELEVEN, INC.
6070 WEST SAHARA AVENUE
MAY 27, 2004 PLANNING COMMISSION

4/29/04

2860 Augusta Drive
Las Vegas, Nevada 89109
June 29, 2004, 2004
Email: dmulk@aol.com
Fax 702 734 0984

RECEIVED
CITY CLERK

2004 JUN 30 A 10: 22

City Clerk, City of Las Vegas
Re: City Council Meeting July 7, 2004
RQR-4238

Dear Councilmen:

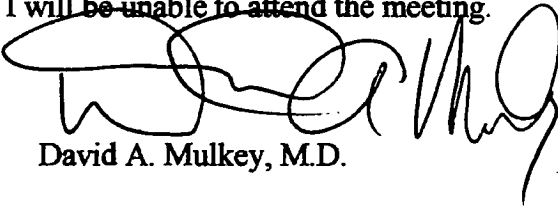
Regarding the Special Use Permit for the billboard sign, I would like to make the following objection:

I am the builder and owner of the entity which owns Sahara-Jones Plaza, immediately behind and adjacent to Seven-Eleven, which hosts this billboard, and I am the manager of Ducks Lake, LLC, which owns and operates the center. I also sold to Seven-Eleven the land on which they are located.

At the time Seven-Eleven purchased the land for this use, we mutually agreed and signed an agreement which gave Sahara-Jones Plaza (originally, Sandlewood Center) the rights to approve signage which they might display. The agreement was with Southland Corporation. I have misplaced that agreement, but it is in Southland files. Seven-Eleven violated that agreement when they erected the billboard two years ago. The billboard was installed despite our objections.

The objections which I and Sahara-Jones Plaza have to the billboard, are: 1) It is grotesque and unsightly; 2) that it is distracting from the regulated signage which we are allowed to have on Sahara and on Jones; 3) that it is unrelated to the business of either Seven-Eleven or Sahara-Jones Plaza, and thus is an inappropriate use of the airspace over both of our businesses; 4) that it is a violation of the agreement which Southland/Seven-Eleven signed in order to build and operate their facility, and, 5) that it is detrimental to our ability to maintain a profitable business due to the loss of visibility and distraction from the limited signage which we are allowed by regulation.

Thank you for your consideration. I will be unable to attend the meeting.


David A. Mulkey, M.D.

cc. Fred Fellwock The Real Estators, manager of Sahara-Jones Plaza

Protest

Submitted after final agenda

Date 6/30/04 Item #138

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4239 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: RANCHO AIR CENTER, INC. - Required Two Year Review of an approved Special Use Permit (U-0059-01) FOR FIVE (5) 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGNS adjacent to the northeast corner of Smoke Ranch Road and Decatur Boulevard (APN: 139-18-410-003), C-M (Commercial/ Industrial) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman filed under Items 3, 101
5. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack filed under Item 136 [RQR-4239]

MOTION:

WEEKLY – APPROVED subject to conditions – **UNANIMOUS** with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEUMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 139 – RQR-4239

MINUTES Continued:

because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136 [RQR-3686], COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, appeared on behalf of applicant and concurred with conditions.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:12 – 4:13)

5-2691

CONDITIONS:

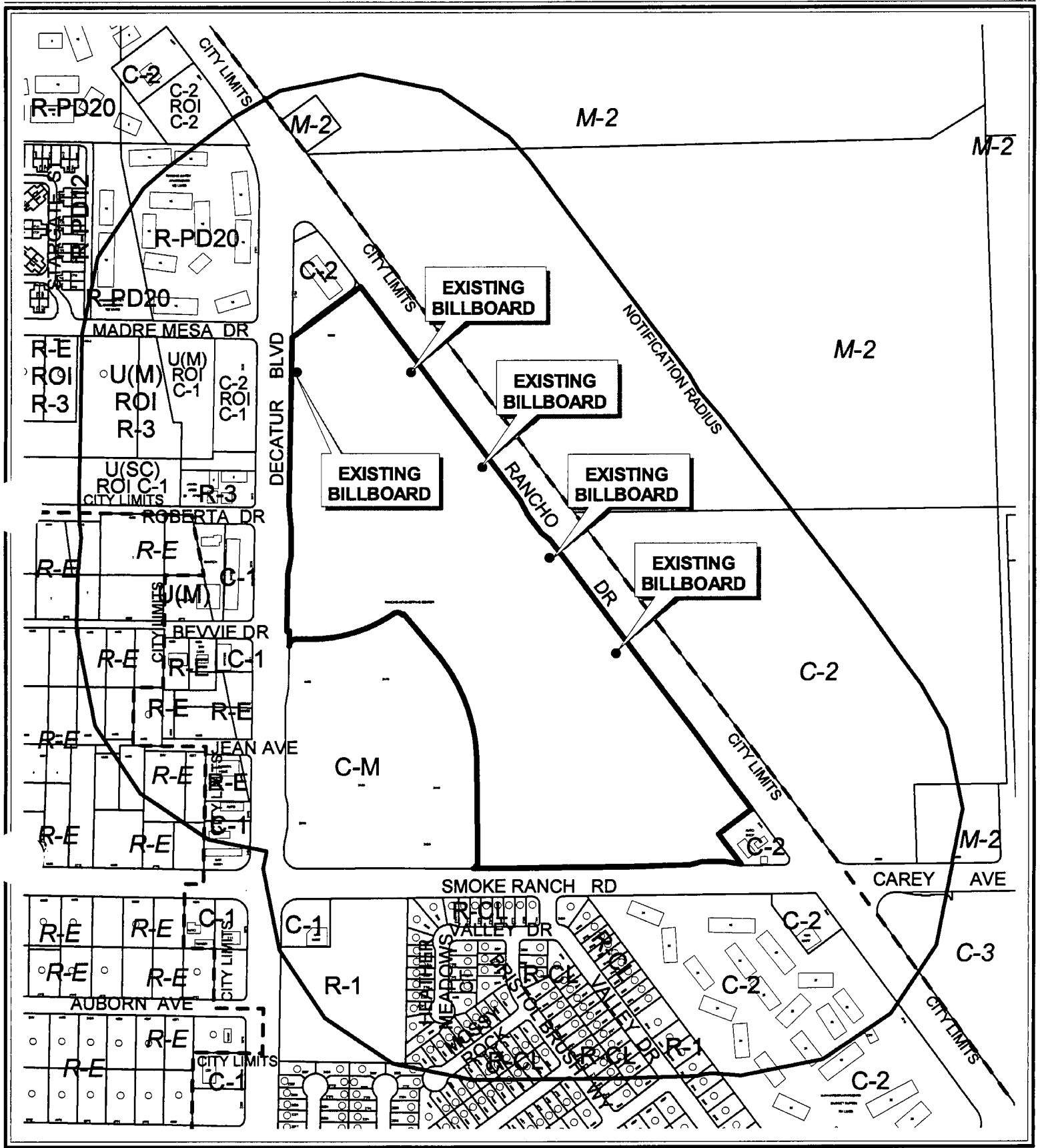
Planning and Development

1. The Special Use Permit shall be reviewed in one year 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 is removed.
2. Prior to the submittal of a building permit, the applicant shall submit to the Planning and Development Department a site plan that depicts the location of all existing off-premise advertising (billboard) signs with an overlay of the developments approved as part of SDR-1404. The Planning and Development Department will review the site plan to ensure compatibility. If conflicts exist, the Planning and Development Department may impose adequate measures to ensure the billboards do not compromise public health, safety, and welfare.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 139 – RQR-4239

CONDITIONS Continued:

3. If a Site Development Plan Review for new development includes property in which an off-premise advertising (billboard) sign is located, the billboard(s) shall be reviewed as part of the site development plan review for compatibility with the proposed development. Conditions of approval may be imposed that require the removal of some or all of the off-premise advertising (billboard) signs.
4. If a existing off-premise advertising sign structure is removed, this Special Use Permit will not pertain to the removed sign, 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 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. 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.
6. 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 advertising sign.
7. Only one advertising sign is permitted per sign face.
8. All City Code requirements and design standards of all City departments must be satisfied.

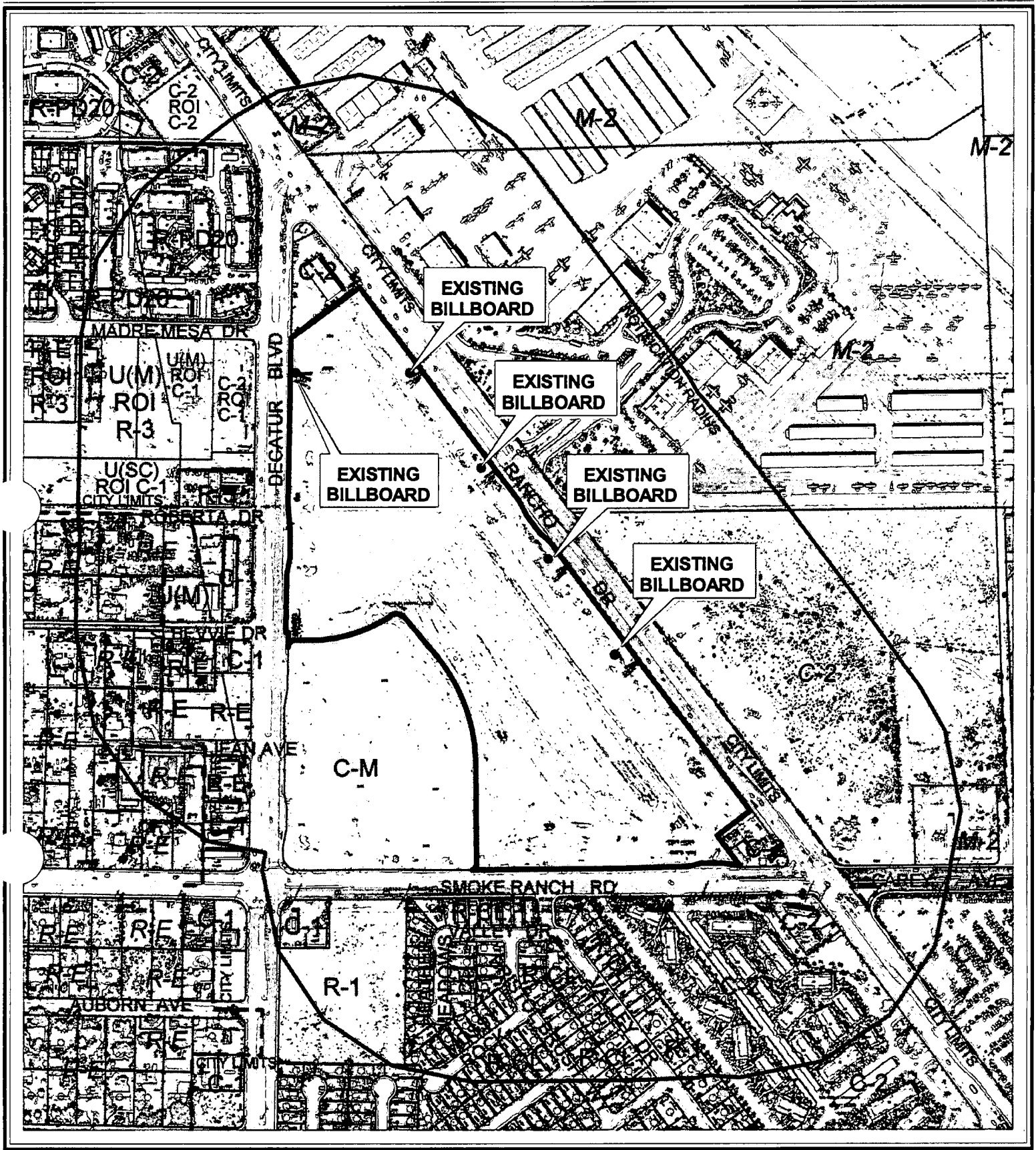


CASE: RQR-4239

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)





CASE: RQR-4239

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4239 - APPLICANT: LAMAR OUTDOOR ADVERTISING
- OWNER: RANCHO AIR CENTER, INC.**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in one year 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 is removed.
2. Prior to the submittal of a building permit, the applicant shall submit to the Planning and Development Department a site plan that depicts the location of all existing off-premise advertising (billboard) signs with an overlay of the developments approved as part of SDR-1404. The Planning and Development Department will review the site plan to ensure compatibility. If conflicts exist, the Planning and Development Department may impose adequate measures to ensure the billboards do not compromise public health, safety, and welfare.
3. If a Site Development Plan Review for new development includes property in which an off-premise advertising (billboard) sign is located, the billboard(s) shall be reviewed as part of the site development plan review for compatibility with the proposed development. Conditions of approval may be imposed that require the removal of some or all of the off-premise advertising (billboard) signs.
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5. 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.
6. 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 advertising sign.

7. Only one advertising sign is permitted per sign face.
8. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required two year review on an approved Special Use Permit (U-0059-01) which allowed five 14-foot x 48-foot off-premise advertising (billboard) signs adjacent to the northeast corner of Smoke Ranch Road and Decatur Boulevard.

B) Applicant's Justification

A justification letter is not required as part of this application.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 06/21/89 | The City Council approved a Special Use Permit (U-0054-89) to allow an off-premise advertising sign (billboard) on this site. The Board of Zoning Adjustment recommended approval. |
| 08/21/91 | The City Council approved a Variance (V-0081-91) to allow a three-sided billboard on this site. This Variance was never exercised. The Board of Zoning Adjustment took no action due to a tie vote. |
| 07/20/94 | The City Council approved a five-year Review [U-0054-89(1)] on an approved off-premise advertising sign (billboard) on this site. The Board of Zoning Adjustment and staff recommended approval. |
| 09/20/95 | The City Council approved a Special Use Permit (U-0092-95) to allow two (2) off-premise advertising signs (billboards) on this site. The Board of Zoning Adjustment and staff recommended approval. |
| 11/01/00 | The City Council accepted the Withdrawal of a Five-year Review [U-0092-95(1)] for two (2) off-premise advertising signs (billboards) on this site. The Planning Commission and staff recommended approval. |
| 08/01/01 | The City Council approved an appeal of a Planning Commission denial for a Special Use Permit (U-0059-01) to allow five (5) off-premise advertising signs (billboards) on this site subject to a two-year review. The Planning Commission denied the request. |

- 12/20/01 The Planning Commission approved a Tentative Map (TM-0049-01) for a 1-lot commercial subdivision on the subject site. Staff recommended approval.
- 02/19/03 The City Council approved a General Plan Amendment (GPA-1400), a Rezoning (ZON-1401), and a Site Development Plan Review (SDR-1404) on the subject site. The Planning Commission recommended approval of the Rezoning and Site Development Plan Review, but were unable to obtain a supermajority on the General Plan Amendment. Therefore, the General Plan Amendment went forward with a recommendation of denial from the Planning Commission. Staff recommended denial.
- 05/21/03 The City Council approved the Required Two-Year Review (RQR-1994) of an approved Special Use Permit (U-0059-01) for five 14 X 48 foot off-premise signs. The Planning Commission and staff recommended approval.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #8/kcw).

B) Pre-Application Meeting

Summary of meeting, including staff recommendations and issues discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 48.49

B) Existing Land Use

Subject Property: Undeveloped

North: Commercial Building and Airport

South: Mini-Mart, Single-Family Dwellings, and Residence Hotel

East: Undeveloped and Airport

West: Apartments, Undeveloped land, Churches, Retail shops, Offices, School, Day Care, Single-Family Dwellings, Car Wash, Funeral Home, and Auto Shop

C) Planned Land Use

Subject Property: LI/R (Light Industrial/Research)

North: GC (General Commercial) and North Las Vegas

South: SC (Service Commercial), ML (Medium Low Density Residential) and M (Medium Density Residential)

East: North Las Vegas

West: M (Medium Density Residential), SC (Service Commercial), R (Rural Density Residential)

D) Existing Zoning

Subject Property: C-M (Commercial/Industrial)
North: C-2 (General Commercial)
South: C-2 (General Commercial), C-1 (Limited Commercial), R-CL
(Residential Compact Lot)
East: North Las Vegas
West: R-PD20, R-3 Residential Planned Development – 20 Units Per
Acre), C-1 (Limited Commercial), U (Undeveloped) [M (Medium
Density Residential) General Plan Designation], and Clark County

F) General Plan Compliance

The Light Industry / Research category of the Southeast General Plan allows for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, development and testing laboratories. Typical supporting and ancillary general uses are also allowed.

<i>SPECIAL DISTRICTS/ZONES</i>	<i>Yes</i>	<i>No</i>
Special Area Plan		X
Special Overlay District		X
Study Area	X	
Rancho Corridor		
Rural Preservation Neighborhood	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

Study Area

This site lies within the recently completed Rancho Corridor area. This does not directly affect this required review.

Rural Preservation Neighborhood

This is not in an area identified as a Rural Preservation Neighborhood. However, a Rural Preservation Neighborhood Buffer comes into contact with the southeast portion of the site. Normally, density is limited to 3.0 units per acre within the buffer unless, as in this case, the property is located within 330 feet of an existing street that is more than 99 feet wide. Therefore, NRS 278.261 does not influence this application.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-premise advertising (Billboard)	Min. 300' from any "U" or "R" zoning district and any other off-premise sign	300' from any "U" or "R" zoning district and any other off-premise sign

The submitted site plan shows all billboards at least 300' from any "U" or "R" zoning district and any other off-premise sign. The site plan depicts a 300-foot radius around the billboard along Decatur Boulevard. The radius comes very close to coming into contact with the R-PD20 (Residential Planned Development – 20 Units Per Acre) property located northwest of this site, however it is not within the required separation distance.

B) General Analysis and Discussion

- **Zoning**

The C-M (Commercial/Industrial) zoning on the site allows clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, development and testing laboratories.

- **Use**

An off-premise advertising (billboard) sign is permitted in a C-M (Commercial/Industrial) zone with approval of a Special Use Permit. At the time the Special Use Permit (U-0059-01), which allowed the billboards, was approved the subject site was zoned C-2 (General Commercial). Billboards are also permitted in a C-2 (General Commercial) zone with approval of a Special Use Permit).

- **Conditions**

The original approval on the Special Use Permit (U-0059-01) included the following condition:

If new development is approved for the subject parcels within two years, the City Council may at its sole discretion impose conditions of approval on such development that require removal of some or all of the off-premise advertising (billboard) signs.

At the Council meeting of February of 2003, the City Council approved three applications on the subject site, including a Site Development Plan Review (SDR-1404) for an 18,500 square foot office building and 166,900 square foot commercial/industrial development. At the time of the Site Development Plan Review, the applicant was uncertain about the future of the billboards. From the documents submitted as part of this application, it is unclear whether any of the billboards are located on property previously approved for development. A comparison of the approved site plan for the 18,500 square foot office and the billboard location map causes some concern that a billboard is located either within or near the entrance from Decatur Boulevard to this site. A condition has been included to require the applicant to submit a site plan that depicts both the location of the existing billboards, as well as the previously approved developments to ensure that the billboards do not impede vehicular or pedestrian traffic and are compatible with the approved developments.

This site is a commercial subdivision; the owners are able to divide the land according to needs of the tenant without formal review. However, the Planning and Development Department will review the design of each new project as a Site Development Plan Review. Due to the large size of the parcel, the billboards may remain appropriate until the time of development of the land on which each individual billboard is located. Additionally, a one-year review is recommended to ensure the billboards remain appropriate for the site even if development does not occur in a timely manner.

FINDINGS

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

This site is a commercial subdivision; therefore, the owners are able to divide the land according to needs of the tenant without Planning and Development Department review. However, the Planning and Development Department will review the design of each new project as a Site Development Plan Review. Due to the large size of the parcel, the billboards may remain appropriate until the time of development of the land on which each individual billboard is located. Additionally, a one-year review is recommended to ensure the billboards remain appropriate for the site even if development does not occur in a timely manner.

FINDINGS

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."**

While off-premise advertising (billboard) signs are generally not conducive to economic revitalization, the billboards are an appropriate interim use of this site for the next year until suitable new development proposals are approved. If a Site Development Plan Review for new development includes property in which an off-premise advertising (billboard) sign is located, the billboard(s) will be reviewed for compatibility with the proposed development. Conditions of approval may be imposed that require the removal of some or all of the off-premise advertising (billboard) signs.

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

The site is physically suitable for the proposed off-premise advertising (billboard) sign 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."**

The off-premise advertising (billboard) sign use does not generate any additional traffic to this site and will not require provisions for additional access.

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.”**

The off-premise advertising (billboard) sign use does not compromise the public health, safety, and welfare, as it is subject to the provisions of the Sign Code and the Uniform Building Code.

NOTICES MAILED 140 by City Clerk

APPROVALS 0

PROTESTS 0



LINE TABLE		
LINE	LENGTH	BEARING
1	150.30	AS-317.26°
2	140.43	AS-79.04°

LEGEND

—	STREET CENTERLINE
—	PROPERTY LINE
—	BUILDING LINE
—	EDGE OF PARKING
—	STREETLIGHT
—	ELECTRIC VAULT
—	TELEPHONE VAULT

APPROVED
Signature
 SCALE 1" = 100'

US HIGHWAY No. 95
 (RANCHO DRIVE)
 S 30°43'02" E 3255.91'

SIGN # 2
 PROPOSED 14'x48'
 BILLBOARD (CENTER
 MOUNT - 18' 7")
 LON. 115°12'15.81"
 LAT. 36°12'30.58"
 ELEV. 2205

SIGN # 3
 PROPOSED 14'x48'
 BILLBOARD (CENTER
 MOUNT - 25' 1")
 LON. 115°12'11.00"
 LAT. 36°12'24.51"
 ELEV. 2204

SIGN # 4
 PROPOSED 14'x48'
 BILLBOARD (CENTER
 MOUNT - 18' 7")
 LON. 115°12'00.31"
 LAT. 36°12'15.85"
 ELEV. 2198

SIGN # 5
 PROPOSED 14'x48'
 BILLBOARD (CENTER
 MOUNT - 18' 7")
 LON. 115°12'02.01"
 LAT. 36°12'16.68"
 ELEV. 2195

SIGN # 1
 PROPOSED 14'x48'
 BILLBOARD (CENTER
 MOUNT - 25' 1")
 LON. 115°12'18.80"
 LAT. 36°12'30.28"
 ELEV. 2206

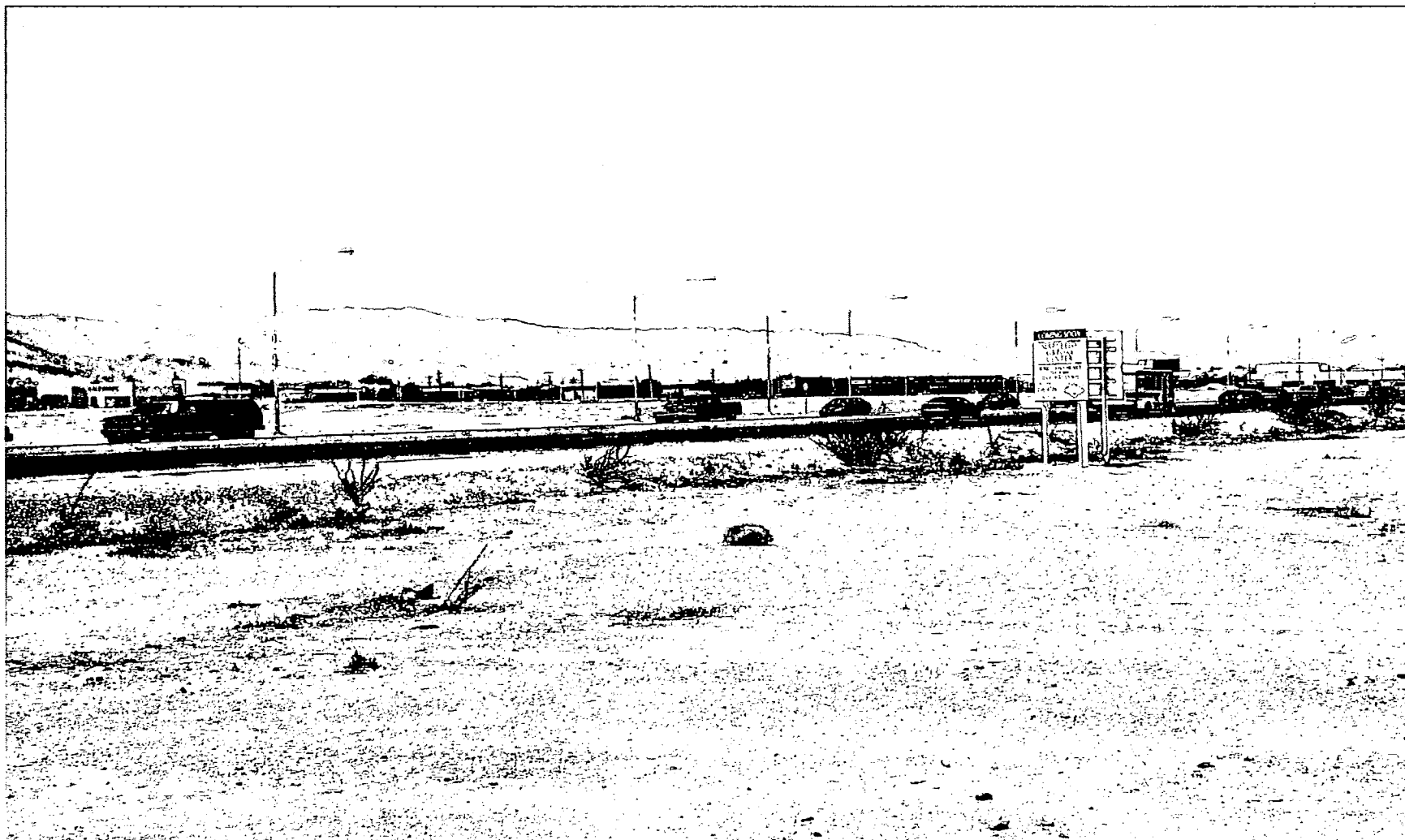
ELEVATION DETAIL
 (TYPICAL FOR ALL SIGNS)

RQR-4239
 5-27-04 PC

CLV

L-494501

BAUGHMAN & TURNER, INC.	
DATE: 05/11/04	BY: JAT
PROJECT: RANCHO DRIVE	SCALE: 1" = 100'
BILLBOARD APPLICATION MAP	
A PORTION OF THE EIGHTH QUARTER (SW 1/4) OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 9 EAST, MEAD & SMOKE RANCH, CLATSOP COUNTY, OREGON	



RQR-4239 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: RANCHO AIR CENTER, INC.
NORTHEAST CORNER OF SMOKE RANCH ROAD AND DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

4/30/04



RQR-4239 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: RANCHO AIR CENTER, INC.
NORTHEAST CORNER OF SMOKE RANCH ROAD AND DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

4/30/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

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DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING -
RQR-4240 - APPLICANT: LAMAR ADVERTISING - OWNER: CHARWEST, INC. -
Required Two Year Review of an approved Special Use Permit (U-0262-94), WHICH
ALLOWED A 14 FOOT x 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at
4820 West Charleston Boulevard (APN: 138-36-804-008), C-2 (General Commercial) Zone,
Ward 1 (Moncrief). The Planning Commission (4-3 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman
filed under Items 3 and 101
5. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack
filed under Item 136 [RQR-3686]

MOTION:

MONCRIEF – APPROVED subject to conditions – **UNANIMOUS** with GOODMAN
abstaining because members of his law firm are involved in negotiations with billboard
companies and MACK abstaining because of a conflict of interest created by his more
active role at Mack Consulting

MINUTES:

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CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 140 – RQR-4240

MINUTES Continued:

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No one appeared in opposition.

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(4:13 – 4:14)

5-2738

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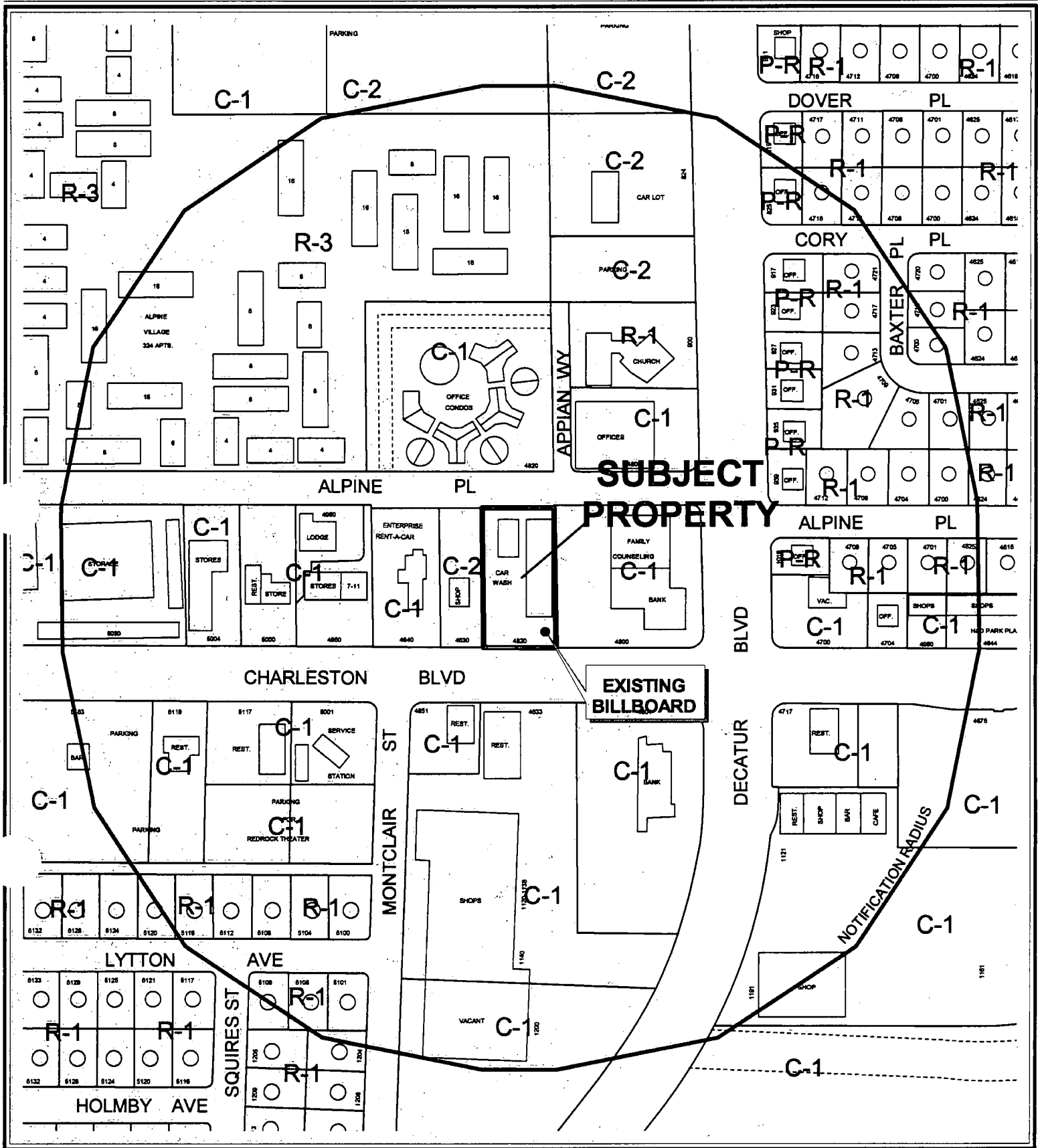
Planning and Development

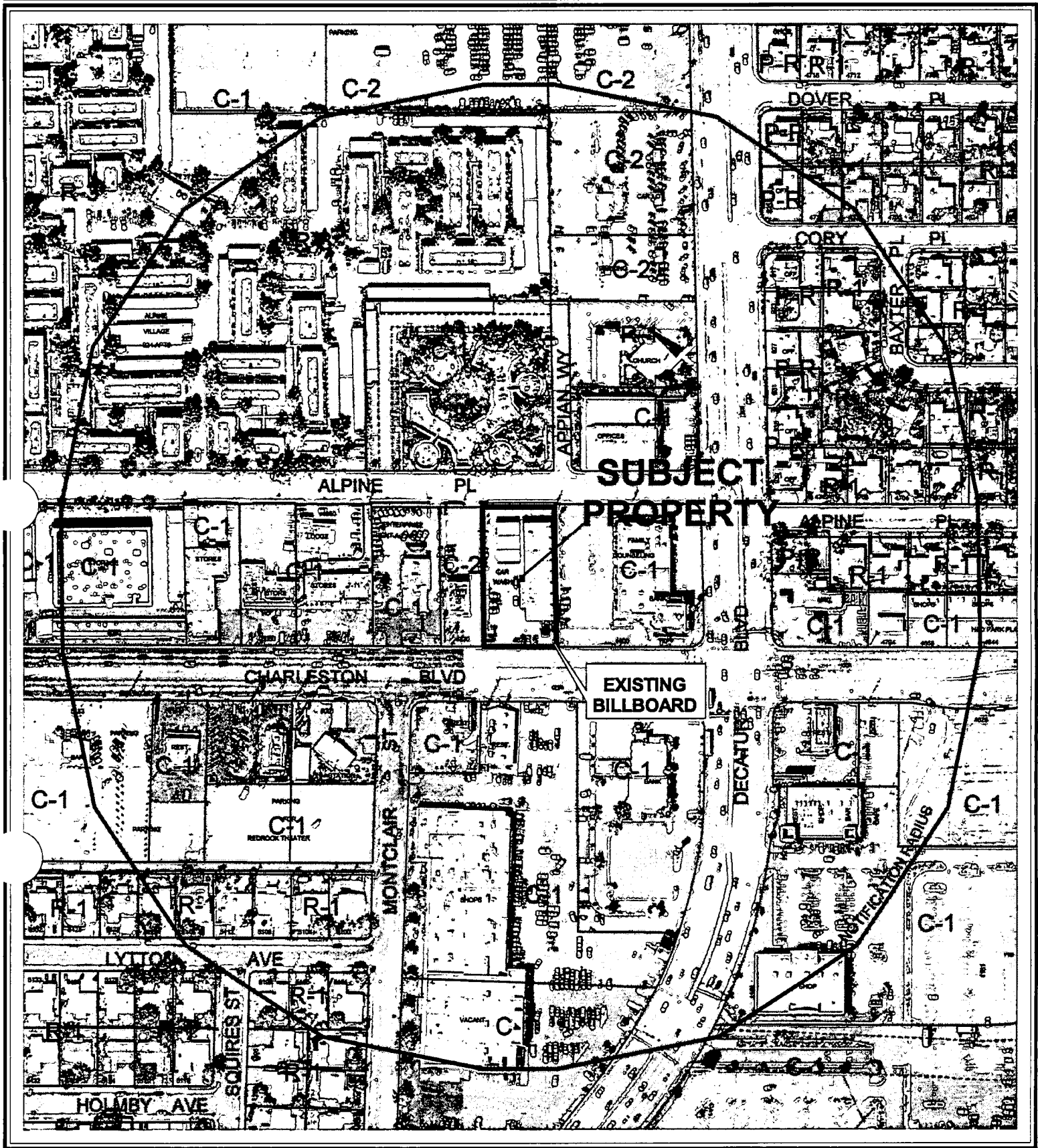
1. The Special Use Permit shall be reviewed in three years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing 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 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.
3. 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

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 140 – RQR-4240

CONDITIONS Continued:

- maintenance may result in fines and/or removal of the off-premise advertising (billboard) 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 advertising sign.
 5. All City Code requirements and design standards of all City departments must be satisfied.





CASE: RQR-4240

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-4240 - APPLICANT: LAMAR ADVERTISING - OWNER: CHARWEST, INC.

**** CONDITIONS ****

The Planning Commission (4-3 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in three 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 is removed.
2. If the existing 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 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.
3. 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.
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 advertising sign.
5. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a two-year review for an approved Special Use Permit (U-0262-94) that allowed a 14 x 48 foot off-premise advertising (billboard) sign at 4820 West Charleston Boulevard.

B) Applicant's Justification

A justification letter is not required as part of this application.

BACKGROUND INFORMATION

A) Previous Actions

- 12/21/94 The City Council approved a request for a Special Use Permit (U-0262-94) for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a five-year review.
- 02/16/00 The City Council approved a request for a Five-Year Review [U-0262-94(1)] on an approved Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a two-year review.
- 04/03/02 The City Council approved a request for a Two-Year Review [U-0262-94(2)] on an approved Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a two-year review.
- 05/27/04 The Planning Commission voted 4-3 to recommend APPROVAL (PC Agenda Item #9/kcw).

B) Pre-Application Meeting

A pre-application meeting is not required as part of this application.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.73
Net Acres: 0.72

B) Existing Land Use

Subject Property: Commercial
 North: Offices
 South: Commercial
 East: Commercial
 West: Commercial

C) Planned Land Use

Subject Property: GC (General Commercial)
 North: SC (Service Commercial)
 South: Clark County
 East: SC (Service Commercial)
 West: GC (General Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
 North: C-1 (Limited Commercial)
 South: Clark County
 East: C-1 (Limited Commercial)
 West: C-2 (General Commercial)

E) General Plan Compliance

a. Southwest General Plan

The GC (General Commercial) category of the Southwest Sector Land Use Plan of the General Plan allows retail, service, wholesale, office, and other general business uses of a more intense commercial character. These uses include limited outdoor storage or display of products, noise, lighting, or other characteristics not generally considered compatible with adjoining residential areas with significant transition. Examples of General Commercial uses include: new and used car sales; recreational vehicles and boat sales; mortuaries; and other vehicle oriented uses such as hotels, and similar uses. The C-2 (General Commercial) zoning is consistent with the GC land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site does not lie within any Special Area Plan or Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet to another Off Premise Sign	300 feet

An off premise advertisement (billboard) sign not oriented toward the same highway cannot be closer than 300 feet in any direction to another off premise advertisement (billboard) sign. The nearest billboard oriented to Charleston Boulevard similar to the subject sign is beyond the 300-foot distance from the subject sign.

B) General Analysis and Discussion

- **Zoning**

The subject property is currently zoned C-2 (General Commercial). The existing off-premise advertising (billboard) sign is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- **Use**

Title 19.14.100 permits the removal of the sign if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not substantially changed since initial approval of this Special Use Permit.

- **Conditions**

A site visit of the parcel found the sign in conformance with conditions of U-0262-94(2).

Conditions from the last review U-0262-94 (2):

1. The Special Use Permit shall be reviewed in two 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 is removed.
2. If the existing 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 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.

3. 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.

The off-premise sign conforms to these conditions of approval.

FINDINGS

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.”**

Title 19.14.100 permits the removal of the signs if conditions in the surrounding area have changed in a manner that no longer meets the standards for the approval of a Special Use Permit. The area surrounding the subject site has not seen substantial change since initial approval of this Special Use Permit.

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

There are no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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.”**

The continuation of the off-premise advertising (billboard) sign use will not affect existing public rights-of-way adjacent to this request.

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.”**

This billboard use is in conflict with an assertion of the Master Plan 2020 that “the visual image of the ‘streetscape’ and ‘roadscape’ environments is perhaps the most important single factor in the perception of quality of life for both the resident and the visitor to Las Vegas”.

NOTICES MAILED 68 by City Clerk

APPROVALS 0

PROTESTS 0



Case Number: **RQR-4240** APN: **138-36-864-008**
Name of Property Owner: **Charwest Inc.**
Name of Applicant: **Lamar Advertising**

Yes ☐ No ☒

City Official: _____

Partner(s): _____

APN: _____

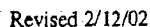
Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 18 day of MARCH, 2004

Notary Public in and for said County and State





RQR-4240 - APPLICANT: LAMAR ADVERTISING - OWNER: CHARWEST, INC.
4820 WEST CHARLESTON BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

4/29/04



RQR-4240 - APPLICANT: LAMAR ADVERTISING - OWNER: CHARWEST, INC.
4820 WEST CHARLESTON BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

4/29/04



RQR-4240 - APPLICANT: LAMAR ADVERTISING - OWNER: CHARWEST, INC.
4820 WEST CHARLESTON BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

4/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4242 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: HEIDNER PROPERTIES, INC., ET AL - Required Two Year Review of an approved Special Use Permit (U-0314-94), WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1600 North Rancho Drive (APN: 139-20-411-005), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman filed under Items 3 and 101
5. Submitted at City Council – City Attorney’s Office Written Opinion filed under Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

WEEKLY – APPROVED subject to conditions – **UNANIMOUS** with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEUMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He stated he would abstain from voting on these items because

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 141 – RQR-4242

MINUTES Continued:

members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, appeared on behalf of the applicant and concurred with staff conditions.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:14 – 4:15)

5-2780

CONDITIONS:

Planning and Development

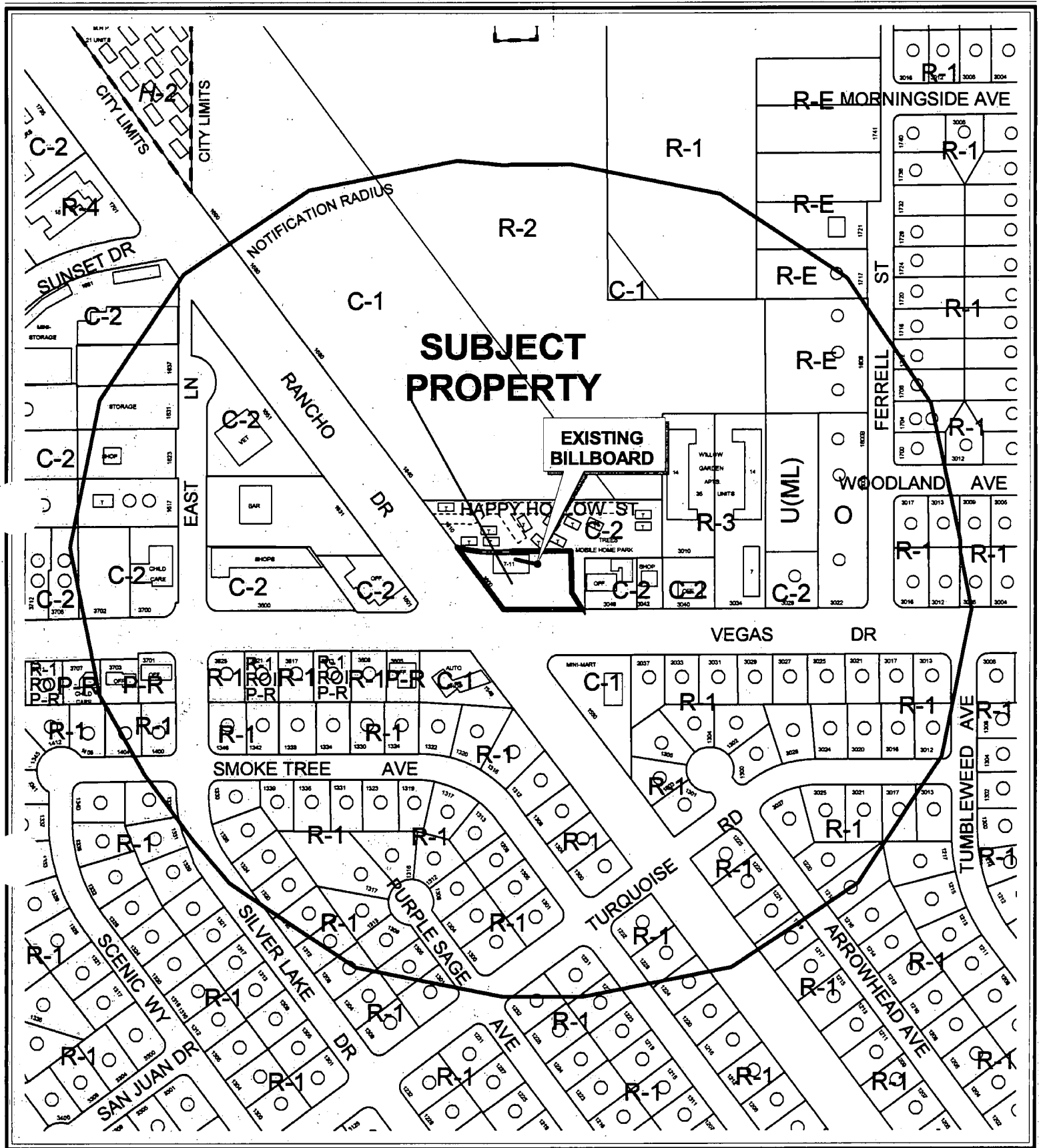
1. The Special Use Permit shall be reviewed in three (3) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign 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. Only one advertising sign is permitted per sign face.
4. If the existing 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

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 141 – RQR-4242

CONDITIONS Continued:

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.

5. All City Code requirements and design standards of all City Departments shall be satisfied.

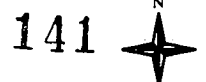


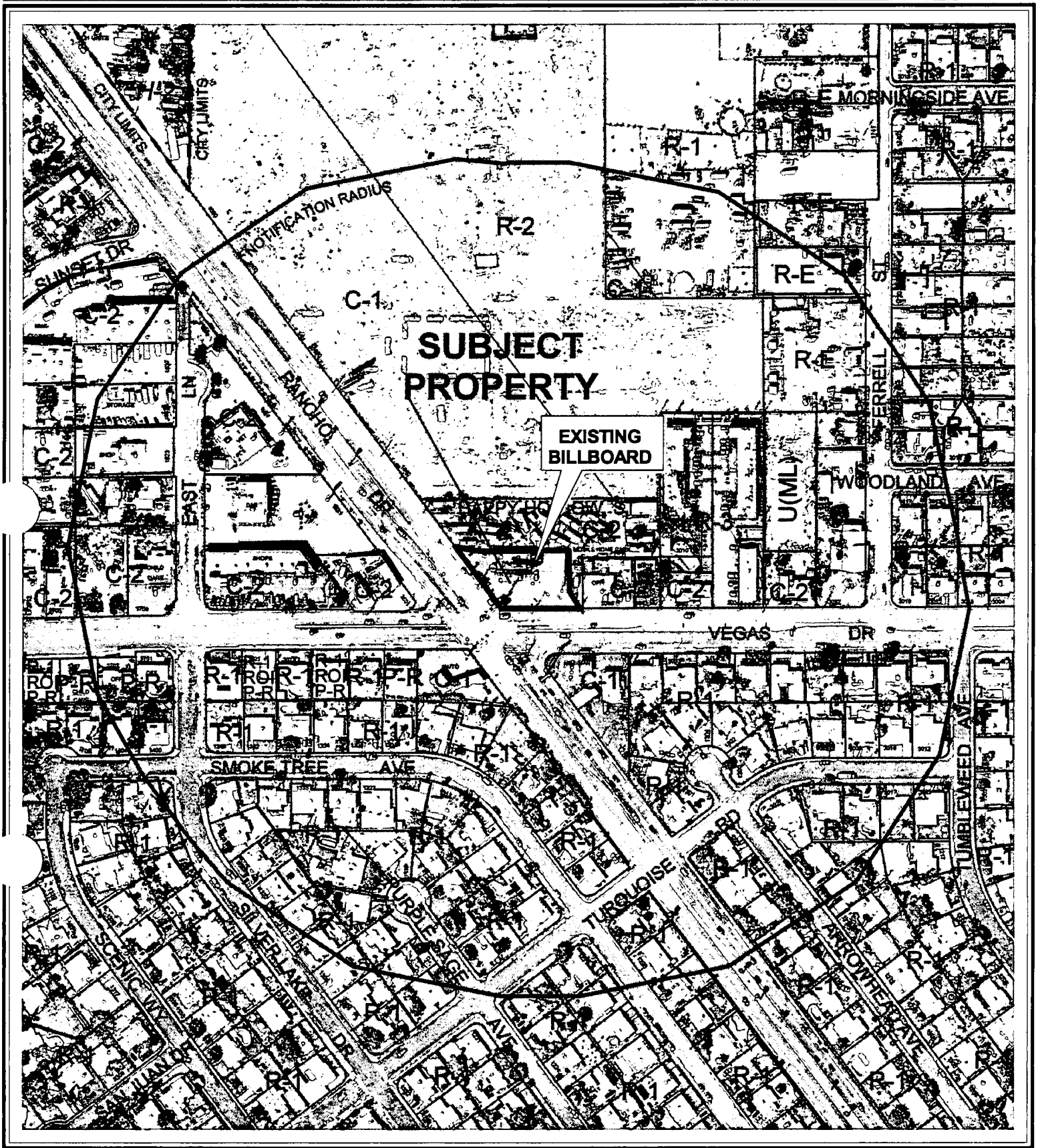
CASE: RQR-4242

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet

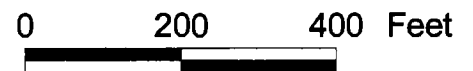




CASE: RQR-4242

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4242 - APPLICANT: LAMAR OUTDOOR ADVERTISING
- OWNER: HEIDNER PROPERTIES, INC., ET AL**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 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. Only one advertising sign is permitted per sign face.
4. If the existing 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.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required two-year review for an approved Special Use Permit (U-0314-94) that allowed a 14 foot x 48 foot off-premise advertising (billboard) sign at 1600 North Rancho Drive.

B) Applicant's Justification

A justification letter is not required for this application.

BACKGROUND INFORMATION

A) Previous Actions

- 01/18/95 The City Council approved the Special Use Permit (U-0314-94) for the 14-foot x 48 foot off-premise advertising (billboard) sign on this site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval on 12/27/94.
- 03/01/00 The City Council approved a request for a Five-Year Review [U-0314-94(1)] on an approved Special Use Permit for the 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a two-year review. The Planning Commission and staff recommended approval on 01/27/00.
- 05/01/02 The City Council approved a request for a Two-Year Review [U-0314-94(2)] on an approved Special Use Permit for the 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a two-year review. The Planning Commission and staff recommended approval on 03/28/02.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/mp).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.46

B) Existing Land Use

Subject Property: Convenience Store
 North: Mobile Home Park
 South: Convenience Store
 East: Commercial
 West: Office

C) Planned Land Use

Subject Property: SC Service Commercial
 North: SC Service Commercial
 South: SC Service Commercial
 East: SC Service Commercial
 West: GC General Commercial

D) Existing Zoning

Subject Property: C-2 General Commercial
 North: C-2 General Commercial
 South: C-1 Limited Commercial
 East: C-2 General Commercial
 West: C-2 General Commercial

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southeast Sector Plan Map of the General Plan. The existing C-2 (General Commercial) Zoning designation is not in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area	X	
Rancho Corridor	X	
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is in the area covered by the Rancho Corridor Study. The results of this study do not directly affect this application.

ANALYSIS

A) Zoning Code Compliance

Minimum Distance Separation Requirements

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet to any another Off-Premise Sign	Yes

The location of the sign conforms to the spacing requirements of Title 19.14 for off-premise advertising (billboard) signs.

B) General Analysis and Discussion

- Zoning

The existing off-premise advertising (billboard) sign is allowed in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.010 allows the removal of an off-premise sign if conditions in the surrounding area have changed such that the off-premise advertising (billboard) sign no longer meets the standards for approval. There have been no changes to the conditions in the surrounding area. The off-premise advertising (billboard) sign under review continues to be an allowable use. A condition has been added requiring a review again in three years.

- Conditions

A site inspection revealed that sign is clear of graffiti and vandalism and is in good repair.

FINDINGS

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.”**

Title 19.14.100 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. While the area immediately surrounding the subject site has not changed substantially in the past two years since the previous required review, billboards are not conducive to new development and are not an appropriate use in perpetuity. It is recommended this approval be subject to a three-year review.

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

There are no physical constraints to the continuation of the off-premise advertising sign use on this site the present time.

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."**

Off-premise advertising signs do not generate automotive traffic and therefore will not affect the existing public rights-of-way adjacent to this site.

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."**

The off-premise advertising (billboard) sign will be subject to regular City inspections and licensing requirements and will not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

NOTICES MAILED 127 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4242** APN: **139-20-411-005**

Name of Property Owner: **7-Eleven**

Name of Applicant: **Lamar Advertising**

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

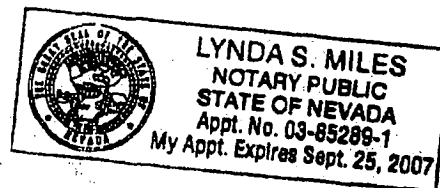
Print Name: _____

Scott Natziger
(on behalf of owner)

Subscribed and sworn before me

This **18** day of **MARCH**, 20**04**

Lynda S Miles
Notary Public in and for said County and State





RQR-4242 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: HEIDNER PROPERTIES, INC., ET
AL
1600 NORTH RANCHO DRIVE
MAY 27, 2004 PLANNING COMMISSION

5/3/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4243 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: URBAN LAND NEVADA - Required Two Year Review of an approved Special Use Permit (U-0265-94) WHICH ALLOWED A 55 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2550 Highland Drive (APN: 162-09-110-019), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinions for Mayor Goodman and Councilman Mack filed under Items 3 and 101
5. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack filed under Item 136 RQR-3686

MOTION:

MONCRIEF – APPROVED subject to conditions and deleting Condition 6 – **UNANIMOUS** with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, COUNCILMAN MACK disclosed that he would be abstaining on Item 119 [MSP-4380] because of his position as an advertising consultant for Treasures. He submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 52 [Elkhorn/US95 Overpass], Item 119 [MSP-4380], Item 121 [VAC-4348], Item 142 [RQR-4243], Item 153 [SUP-4247] and Item 110 [DIR-4421]. He explained that he would be reading the reasons for his abstentions as the items were heard.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 142 – RQR-4243

MINUTES Continued:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, appeared on behalf of the applicant and explained to Council that there was a question raised at Planning Commission as to whether the sign contained an embellishment. He indicated the controversy was caused by words being included inside an arrow, which is on a panel attached to the top of the sign in question. He offered as a compromise the removal of the words and leaving the arrow. His understanding of embellishment was that the sign could be framed or decorated with up to a 128-foot embellishment, which does not include logos or words.

DEPUTY CITY ATTORNEY BRYAN SCOTT stated that part of the controversy at Planning Commission was caused by a difference in the definition of what an embellishment was. He explained that in his opinion, for example, an embellishment would be an image within the sign that protruded outside the rectangular edges. He did not think adding additional square footage to the sign would qualify. He asked the Planning and Development Department for clarification.

MR. NAFTZGER said that per the sign section in the Code, a sign face of up to 672 square feet is allowable with an additional embellishment of up to 128 square feet which is not to exceed five feet above the sign. No mention is made as to size or shape. However, the definition of embellishment is a description of a frame. In his opinion, the definitions are not congruent. He stated the design is typical of many billboards currently erected, and it does not exceed the 128

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 142 – RQR-4243

MINUTES Continued:

square foot restriction. He asked that Council either approve the request or clarify the Code definition because it is ambiguous.

MARGO WHEELER, Deputy Director, Planning and Development Department, read the added Condition pertaining to the removal of the panel. Because the panel extends the full length of the billboard and is not a cut out or extension, the Planning Commission and staff felt it was being utilized as an extension to the full face of the sign and, therefore, recommended removal of the panel.

MR. NAFTZGER acknowledged the comments of MS. WHEELER and pointed out that the Code does not give an explanation of a cut out. He reiterated that according to Code, an embellishment cannot be over 128 square feet. The panel in question is two point six feet high by forty eight feet long, which is less than 128 square feet total. The Code does not indicate the embellishment cannot go the full length of the sign; it states the embellishment cannot go more than five feet above the sign. He stated that according to the sign code, the sign is in conformance.

COUNCILWOMAN MONCRIEF informed Council that in her opinion, the sign is in conformance. She indicated there is a problem with individuals not being able to locate Treasures and the sign should remain as is to help give people direction.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:15 – 4:21)

5-2825

CONDITIONS:

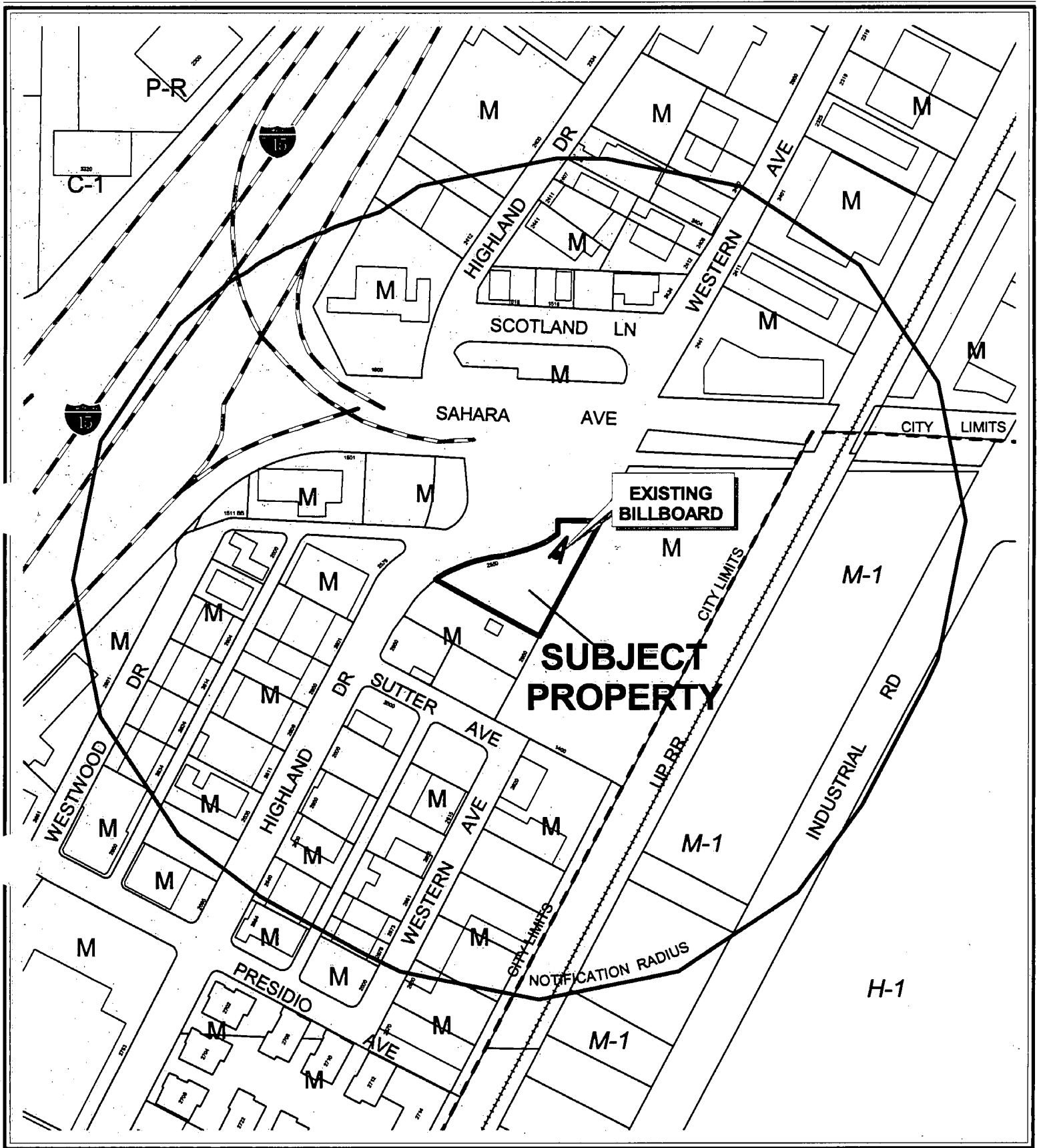
Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 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. Only one advertising sign is permitted per sign face.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 142 – RQR-4243

CONDITIONS Continued:

4. If the existing 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.
5. All City Code requirements and design standards of all City Departments shall be satisfied.
6. The applicant shall remove the advertising panel attached to the top of the sign that shows a directional arrow.



CASE: RQR-4243

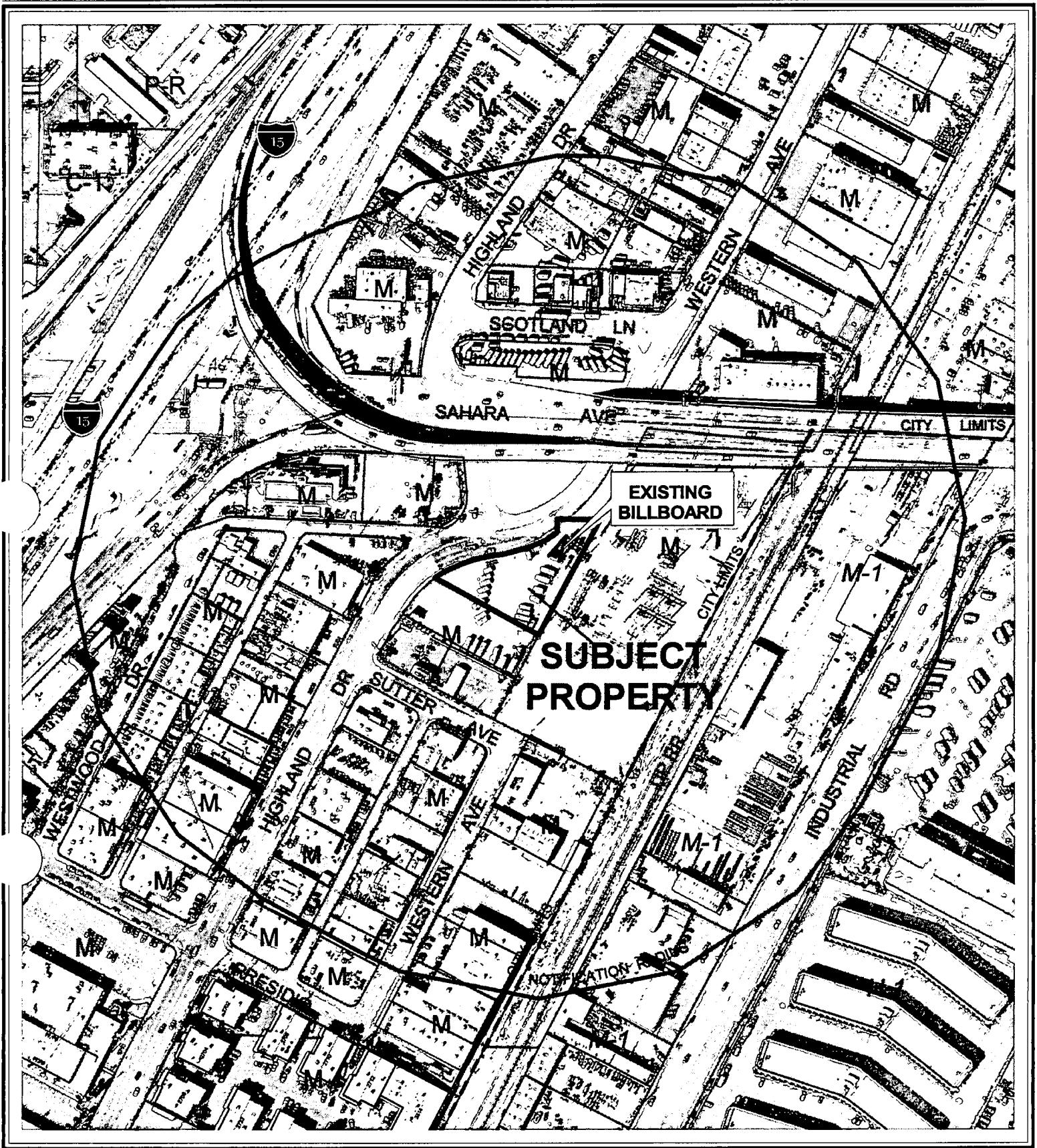
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

142





CASE: RQR-4243

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-4243 - APPLICANT: LAMAR OUTDOOR ADVERTISING
- OWNER: URBAN LAND NEVADA

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 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. Only one advertising sign is permitted per sign face.
4. If the existing 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.
5. All City Code requirements and design standards of all City Departments shall be satisfied.
6. The applicant shall remove the advertising panel attached to the top of the sign that shows a directional arrow.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required two year review for an approved Special Use Permit (U-0265-94) that allowed a 14 foot x 48 foot off-premises advertising (billboard) sign at 2550 Highland Drive.

B) Applicant's Justification

A justification letter is not required for this application.

BACKGROUND INFORMATION

A) Previous Actions

- 12/21/94 The City Council approved a request for a Special Use Permit (U-0265-94) for a 55-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on November 22, 1994.
- 02/16/00 The City Council approved a Five-Year Review [U-0265-94(1)] on an approved Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a two-year review. The Planning Commission and staff recommended approval on January 13, 2000.
- 04/03/02 The City Council approved a Two-Year Review [U-0265-94(2)] on an approved Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a two-year review. The Planning Commission and staff recommended approval on February 28, 2002.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/mp).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.81

B) *Existing Land Use*

Subject Property: Vacant
 North: Sahara Avenue Right-of-Way
 South: Commercial
 East: Nevada Power Substation
 West: Office

C) *Planned Land Use*

Subject Property: LI/R Light Industrial/Research
 North: ROW Right-of-Way
 South: LI/R Light Industrial/Research
 East: LI/R Light Industrial/Research
 West: LI/R Light Industrial/Research

D) *Existing Zoning*

Subject Property: M Industrial
 North: Sahara Avenue Right-of-Way
 South: M Industrial
 East: M Industrial
 West: M Industrial

E) *General Plan Compliance*

The site is designated LI/R (Light Industrial/Research) on the Southeast Sector Plan Map of the General Plan. The existing M (Industrial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special plan areas or districts that affect this site.

ANALYSIS

A) Zoning Code Compliance

Minimum Distance Separation Requirements

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet to any another Off-Premise Sign	Yes

The location of the sign conforms to the spacing requirements of Title 19.14 for off-premise advertising (billboard) signs.

B) General Analysis and Discussion

- Zoning

The existing off-premises advertising (billboard) sign is permitted in the M (Industrial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.010 allows the removal of an off-premise sign if conditions in the surrounding area have changed such that the off-premises advertising (billboard) sign no longer meets the standards for approval. There have been no changes to the conditions in the surrounding area. The off-premise advertising (billboard) sign under review continues to be an allowable use. A condition has been added requiring a review again in three years.

- Conditions

A site inspection revealed that the off-premise advertising (billboard) sign is clear of graffiti and vandalism and is in good repair.

FINDINGS

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."**

Title 19.14.100 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. While the area immediately surrounding the subject site has not changed substantially in the past two years since the previous required review, billboards are not conducive to new development and are not an appropriate use in perpetuity. It is recommended this approval be subject to a three-year review.

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

There are no physical constraints to the continuation of the off-premise advertising sign use on this site the present time.

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."**

Off-premise advertising signs do not generate automotive traffic and therefore will not affect the existing public rights-of-way adjacent to this site.

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."**

The off-premise advertising (billboard) sign will be subject to regular City inspections and licensing requirements and will not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

PLANNING COMMISSION ACTION

The Planning Commission added Condition #6 as shown because the sign currently is larger than allowed by Code and the existing approval.

NOTICES MAILED 50 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4243** APN: 162-09-110-019
Name of Property Owner: Urban Land Nevada
Name of Applicant: Lamar Advertising

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

 Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

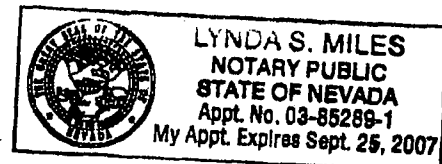
Signature of Property Owner/Authorized Agent: Xe Mafon

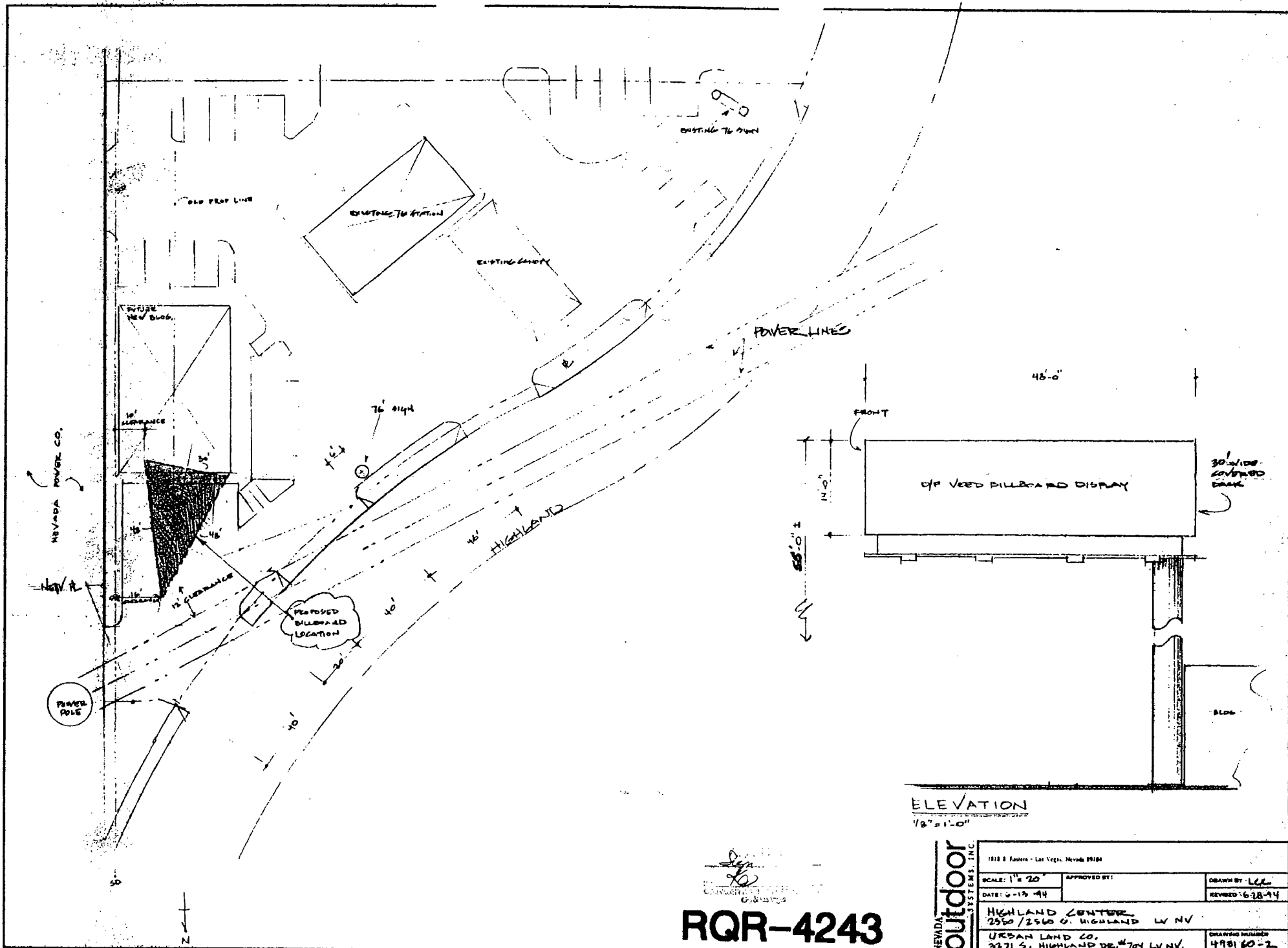
Print Name: Scott Natzger

Subscribed and sworn before me

This 18 day of MARCH, 2004

Lynde S. Mule
Notary Public in and for said County and State

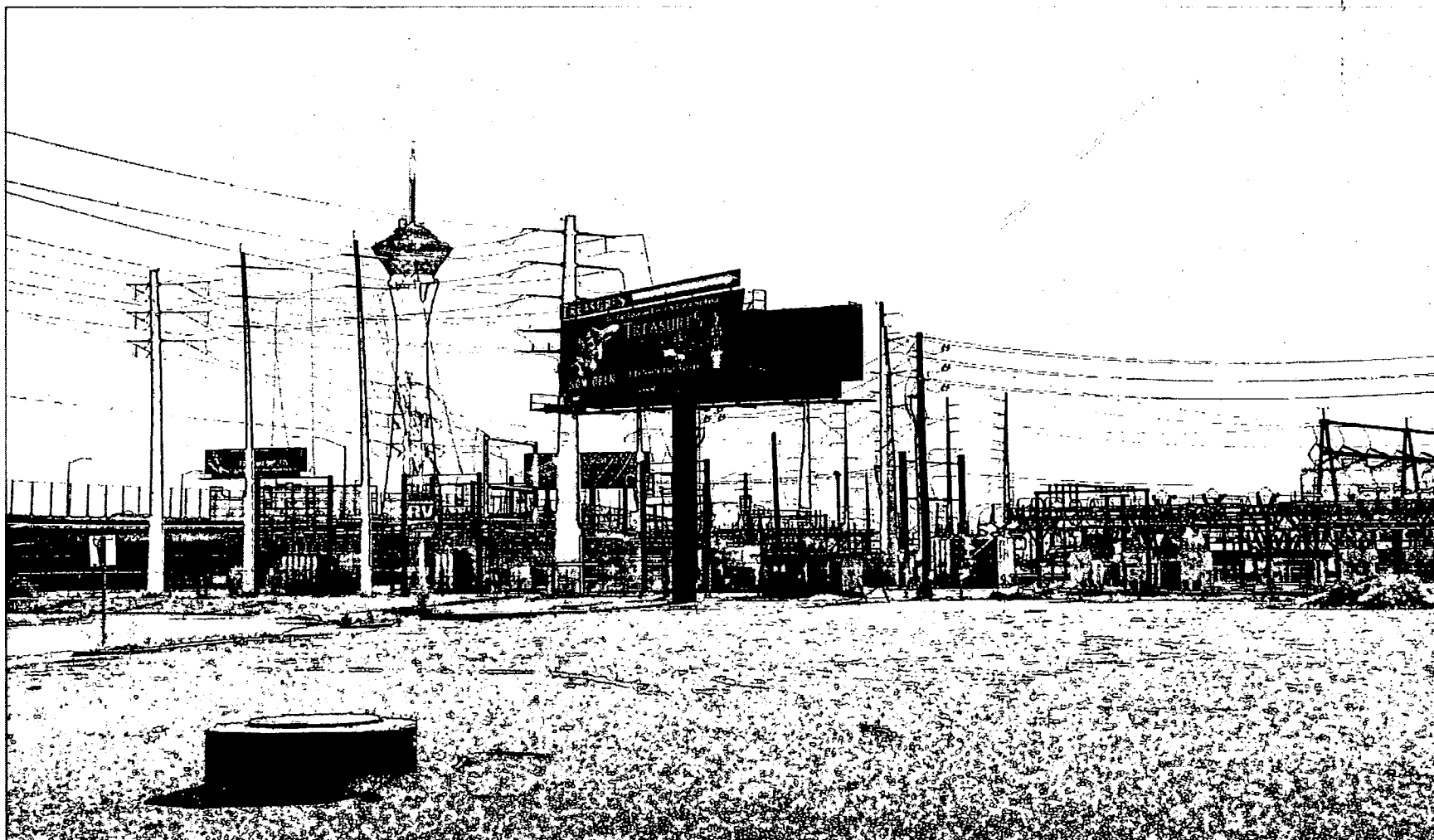




RQR-4243
5-27-04 PC

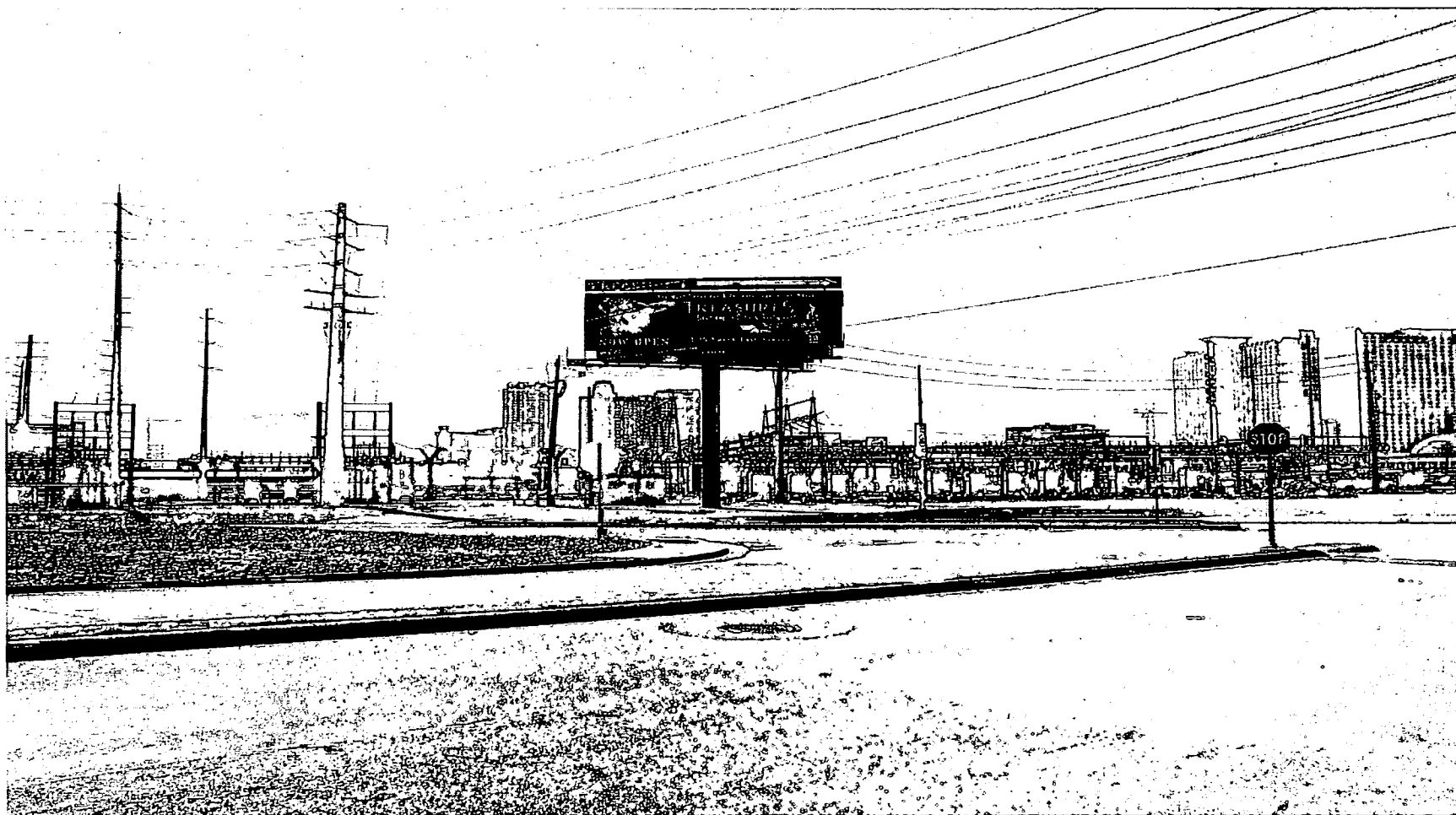
NEVADA
outdoor
 SYSTEMS, INC.

1918 S. Eastern - Las Vegas, Nevada 89104		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: LCL
DATE: 6-15-94		REVISED: 6-28-94
HIGHLAND CENTER		
2550 / 2560 S. HIGHLAND LV NV		
URBAN LAND CO.		
3271 S. HIGHLAND DR. #704 LV NV.		
DRAWING NUMBER		498160-2



RQR-4243 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: URBAN LAND NEVADA
2550 HIGHLAND DRIVE
MAY 27, 2004 PLANNING COMMISSION

5/3/04



RQR-4243 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: URBAN LAND NEVADA
2550 HIGHLAND DRIVE
MAY 27, 2004 PLANNING COMMISSION

5/3/04



RQR-4243 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: URBAN LAND NEVADA
2550 HIGHLAND DRIVE
MAY 27, 2004 PLANNING COMMISSION

5/3/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4244 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: SHAHRAM, INC. - Required Two Year Review for an approved Special Use Permit (U-0261-94) FOR A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4401 North Rancho Drive (APN: 138-02-602-001), C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinions for Mayor Goodman filed under Items 3 and 101
5. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

REESE – APPROVED subject to conditions – **UNANIMOUS** with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 143 – RQR-4244

MINUTES Continued:

indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, appeared on behalf of the applicant and concurred with staff conditions.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:21 – 4:22)

5-3133

CONDITIONS:

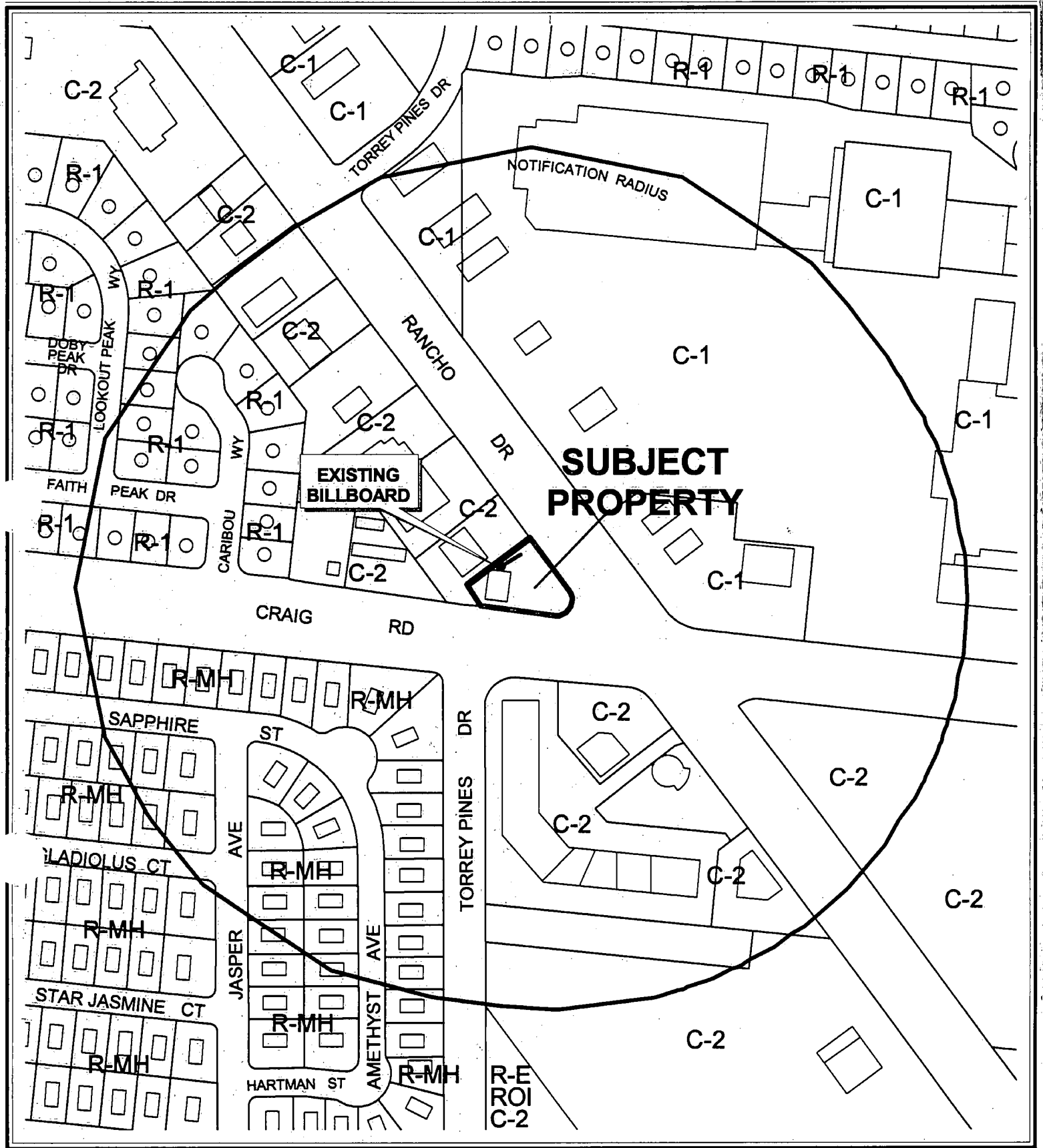
Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 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. Only one advertising sign is permitted per sign face.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 143 – RQR-4244

CONDITIONS Continued:

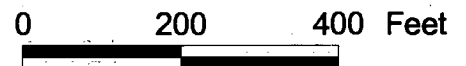
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5. All City Code requirements and design standards of all City Departments shall be satisfied.

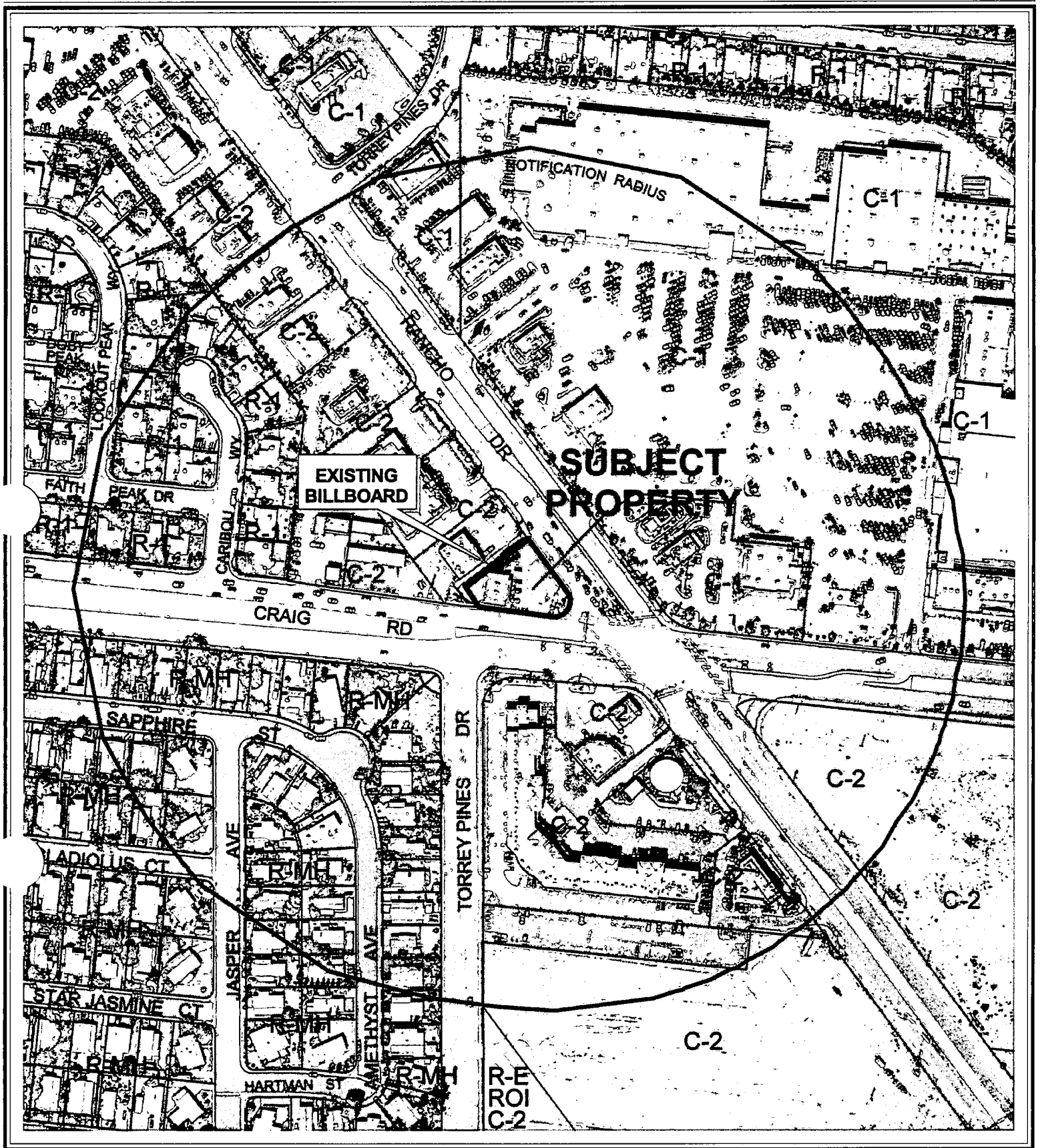


CASE: RQR-4244

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)





CASE: RQR-4244

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4244 - APPLICANT: LAMAR OUTDOOR ADVERTISING
- OWNER: SHAHRAM, INC.**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 is removed.
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5. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required two year review for an approved Special Use Permit (U-0261-94) that allowed a 14 foot x 48 foot off-premises advertising (billboard) sign at 4401 North Rancho Drive.

B) Applicant's Justification

A justification letter is not required for this application.

BACKGROUND INFORMATION

A) Previous Actions

- 12/21/94 The City Council approved a request for a Special Use Permit (U-0261-94) for a 55-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on November 22, 1994.
- 02/16/00 The City Council approved a Five-Year Review [U-0261-94(1)] on an approved Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a two-year review. The Planning Commission and staff recommended approval on January 13, 2000.
- 05/01/02 The City Council approved a Two-Year Review [U-0261-94(2)] on an approved Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign, subject to a two-year review. The Planning Commission and staff recommended approval on March 28, 2002.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #12/mp).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.36

B) *Existing Land Use*

Subject Property: Convenience Store
 North: Retail Commercial
 South: Convenience Store and Retail Commercial
 East: Retail Commercial
 West: Retail Commercial

C) *Planned Land Use*

Subject Property: SC Service Commercial
 North: SC Service Commercial
 South: SC Service Commercial
 East: SC Service Commercial
 West: SC Service Commercial

D) *Existing Zoning*

Subject Property: C-2 General Commercial
 North: C-2 General Commercial
 South: C-2 General Commercial
 East: C-1 Limited Commercial
 West: C-2 General Commercial

E) *General Plan Compliance*

The site is designated SC (Service Commercial) on the Southeast Sector Plan Map of the General Plan. The existing C-2 (General Commercial) Zoning designation is not in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area	X	
Rancho Corridor	X	
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is in the area covered by the Rancho Corridor Study. The results of this study do not directly affect this application.

ANALYSIS

A) Zoning Code Compliance

Minimum Distance Separation Requirements

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet to any another Off- Premise Sign	Yes

The location of the sign conforms to the spacing requirements of Title 19.14 for off-premise advertising (billboard) signs.

B) General Analysis and Discussion

- Zoning

The existing off-premise advertising (billboard) sign is allowed in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.010 allows the removal of an off-premise sign if conditions in the surrounding area have changed such that the off-premises advertising (billboard) sign no longer meets the standards for approval. There have been no changes to the conditions in the surrounding area. The off-premise advertising (billboard) sign under review continues to be an allowable use. A condition has been added requiring a review again in three years.

- Conditions

A site inspection revealed that the off-premise advertising (billboard) sign is clear of graffiti and vandalism and is in good repair.

FINDINGS

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."**

Title 19.14.100 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. While the area immediately surrounding the subject site has not changed substantially in the past two years since the previous required review, billboards are not conducive to new development and may not be appropriate use in perpetuity. It is recommended this approval be subject to a three year review.

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

There are no physical constraints to the continuation of the off-premise advertising sign use on this site the present time.

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.”**

Off-premise advertising signs do not generate automotive traffic and therefore will not affect the existing public rights-of-way adjacent to this site.

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.”**

The off-premise advertising (billboard) sign will be subject to regular City inspections and licensing requirements and will not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

NOTICES MAILED 75 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4244** APN: **138-02-602-001**

Name of Property Owner: **7-Eleven**

Name of Applicant: **Lamar Advertising**

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

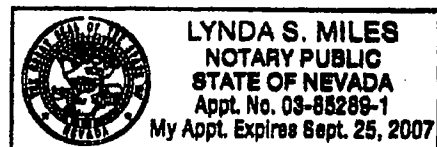
Print Name: **Scott Nafziger**

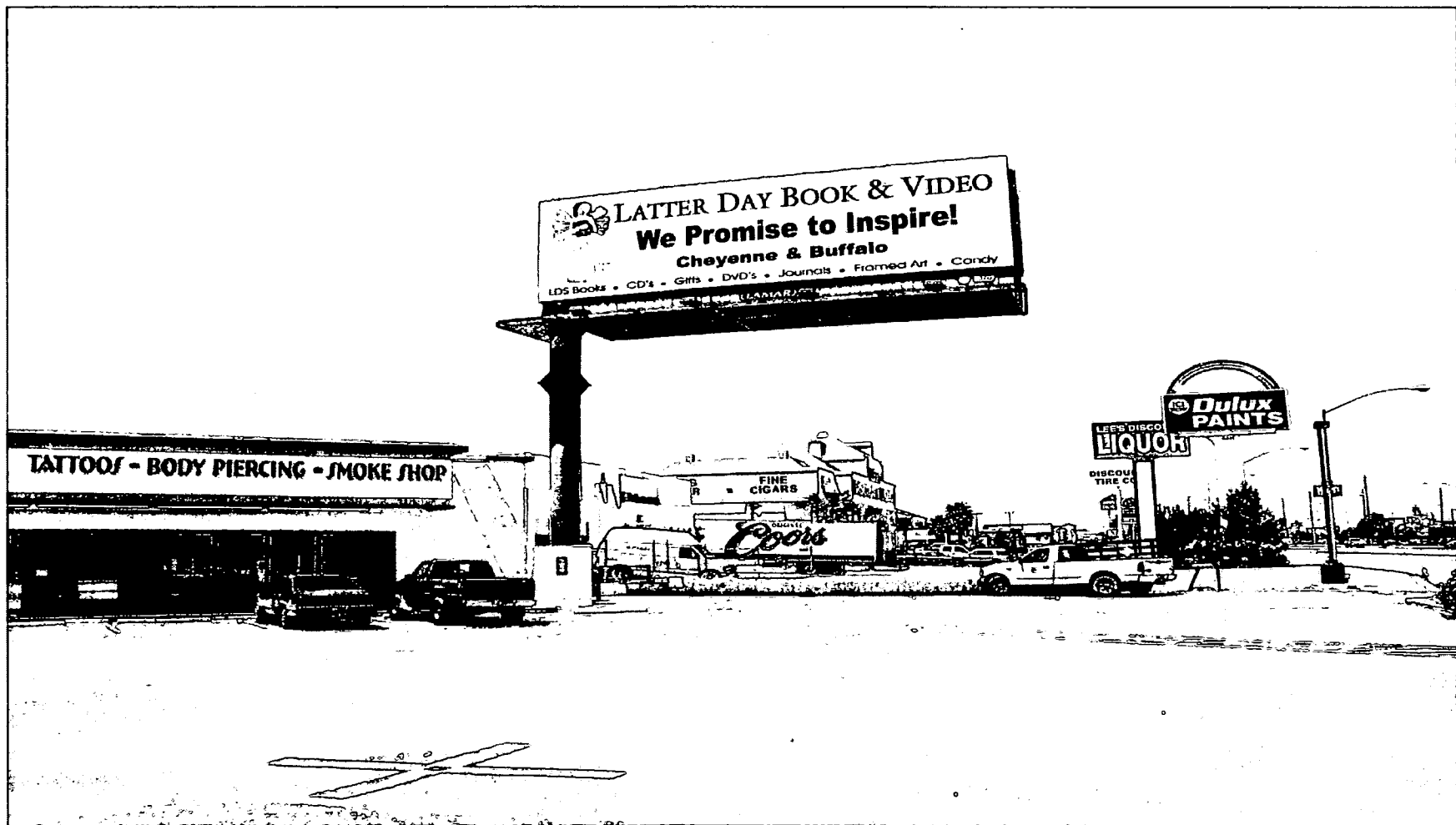
(on behalf of owner)

Subscribed and sworn before me

This **18** day of **MARCH**, 20**04**

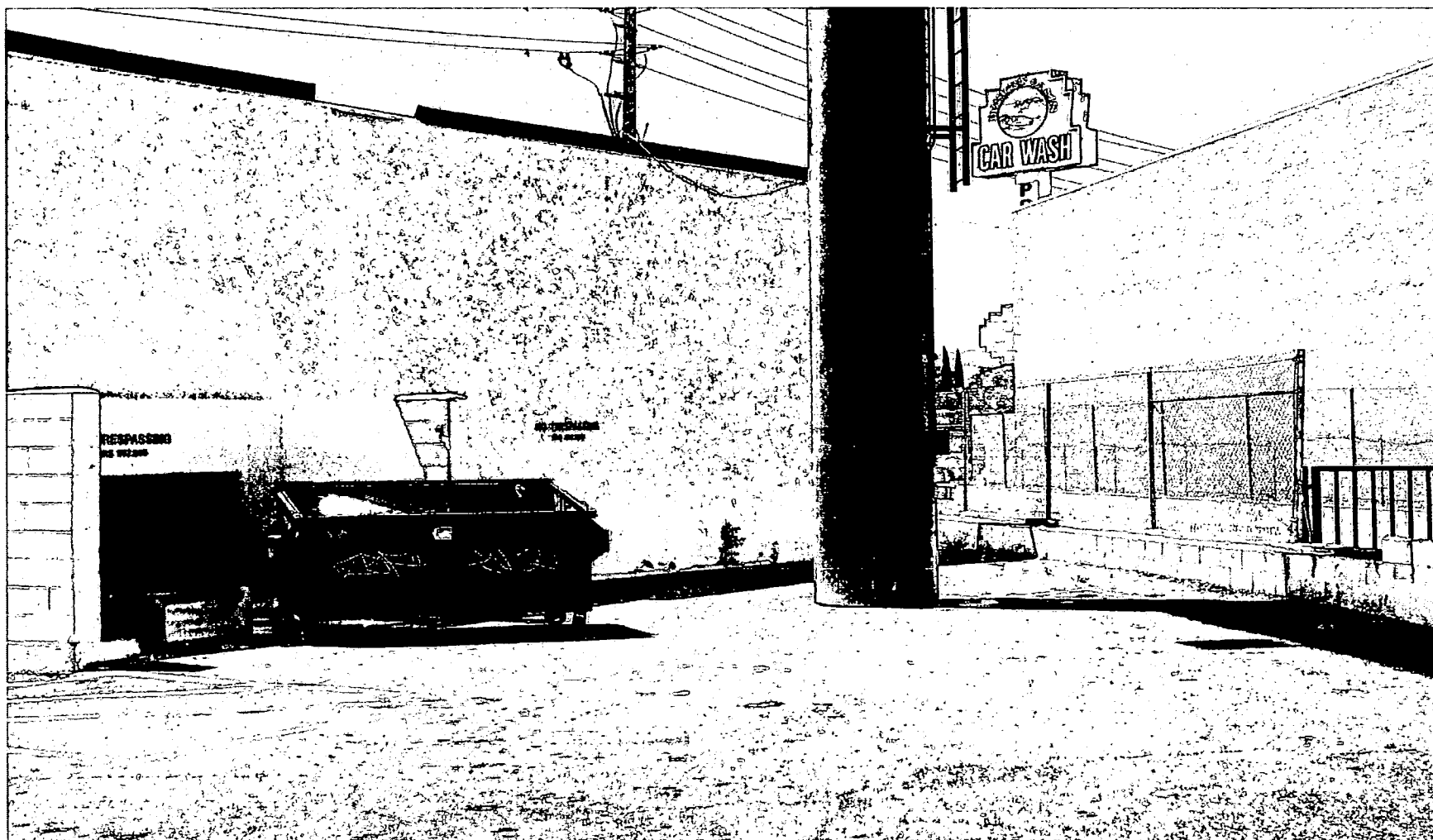
Lynda S Miles
Notary Public in and for said County and State





RQR-4244 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: SHAHRAM, INC.
4401 NORTH RANCHO DRIVE
MAY 27, 2004 PLANNING COMMISSION

4/30/04



RQR-4244 - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: SHAHRAM, INC.
4401 NORTH RANCHO DRIVE
MAY 27, 2004 PLANNING COMMISSION

4/30/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4268 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: McELHOSE TRUST - Appeal filed by the applicant from the Denial by the Planning Commission of a Required Two Year Review of an approved Special Use Permit (U-0006-90) WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1535 North Eastern Avenue (APN: 139-26-505-004), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Clear Channel Outdoor
5. Submitted at City Council – City Attorney's Office Written Opinion for Mayor Goodman filed under Items 3 and 101
6. Submitted at City Council – City Attorney's Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

WEEKLY – APPROVED subject to conditions – **UNANIMOUS** with **GOODMAN** abstaining because members of his law firm are involved in negotiations with billboard companies and **MACK** abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEUMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282],

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 144 – RQR-4268

MINUTES Continued:

Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEUMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

ROD CARTER, 2880 Mead Avenue, appeared on behalf of the applicant and concurred with conditions.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:22 – 4:23)

5-3187

CONDITIONS:

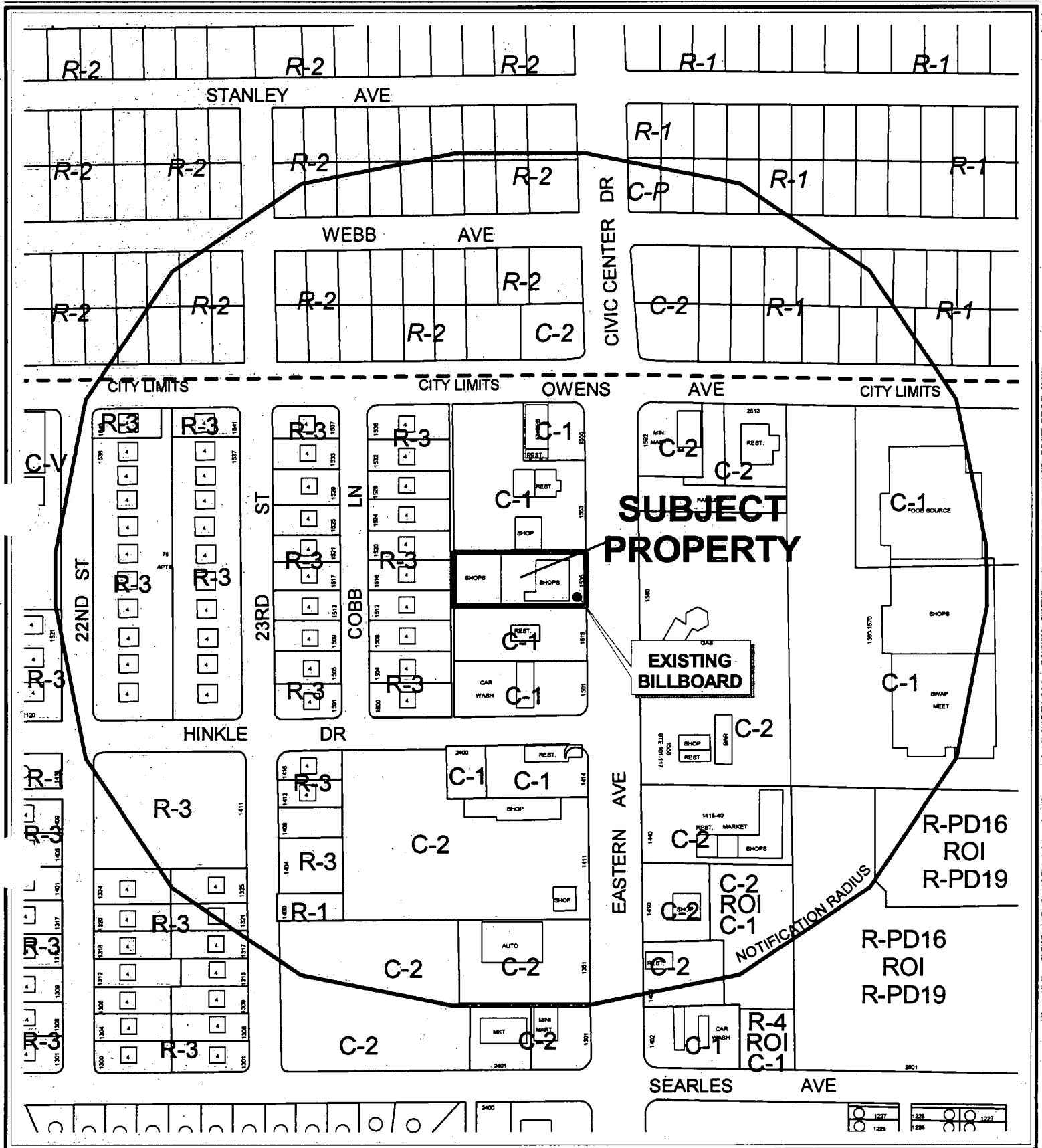
Planning and Development

1. The Special Use Permit shall be reviewed in two (2) year 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 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.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 144 – RQR-4268

CONDITIONS Continued:

4. Only one advertising sign is permitted per sign face.
5. If the existing 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.
6. All City Code requirements and design standards of all City Departments shall be satisfied.



CASE: **RQR-4268**

RADIUS: 750 FT

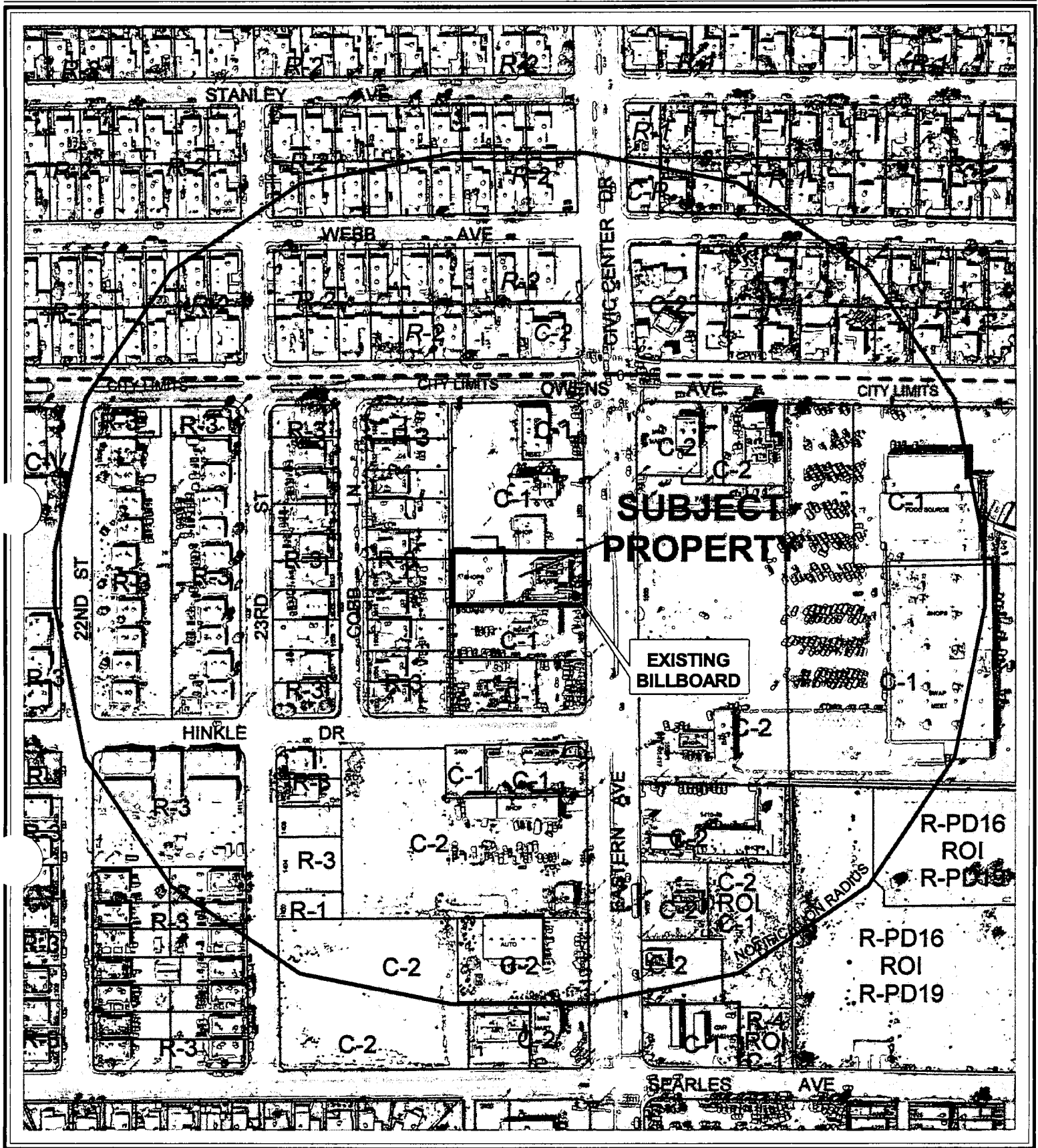
ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



144

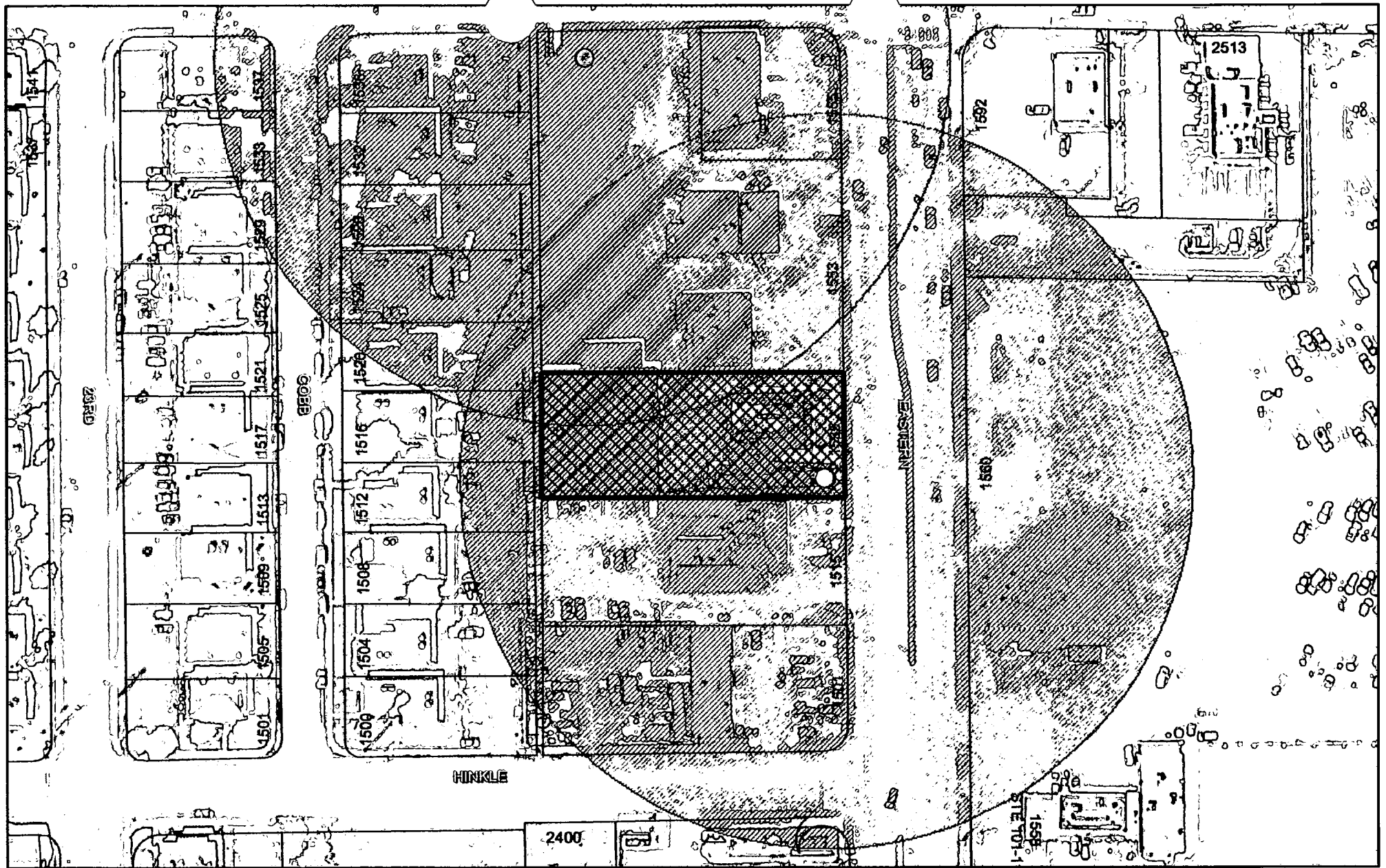




CASE: RQR-4268

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



RQR-4268

 Subject Parcel

 City of Las Vegas Billboard Location

 Clark County Billboard Location

City of Las Vegas Billboard Data

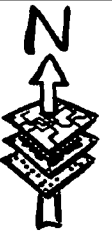
 300 Foot Buffer Around Billboard

 750 Foot Buffer Around Freeway Billboard

 Outside City Boundary

 Off Premise Sign Exclusion Area

 Exempt - Off Premise Area Sign Area



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4268 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: McELHOSE TRUST**

**** CONDITIONS ****

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) year 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 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. Only one advertising sign is permitted per sign face.
5. If the existing 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.
6. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the applicant from the Denial by the Planning Commission of a request for a required Two Year Review of an approved Special Use Permit (U-0006-90) for one 14-foot x 48-foot off-premise advertising (billboard) sign, measuring 40 feet in height, located at 1535 North Eastern Avenue.

BACKGROUND INFORMATION

A) Previous Actions

- 02/22/90 The City Council approved a Special Use Permit (U-0006-90) for one 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
- 04/19/95 The City Council approved a Required Five Year Review [U-0006-90(1)] for one 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a two-year review. The Board of Zoning Adjustment and staff recommended approval.
- 04/28/97 The City Council approved a Required Two Year Review [U-0006-90(2)] for one 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
- 06/05/02 The City Council approved a Required Five Year Review [U-0006-90(3)] for one 14 foot x 48 foot off-premise advertising (billboard) sign on the site, subject to a two-year review. The Planning Commission and staff both recommended approval.
- 05/27/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #13/pl).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.58

B) Existing Land Use

Subject Property: Commercial
North: Commercial
South: Commercial
East: Commercial
West: Multi-Family Residential

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: M (Medium Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-2 (General Commercial)
West: R-3 (Medium Density Residential)

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning designation is in compliance with the General Plan designation. The purpose of the C-1 (Limited Commercial) District is to provide most retail shopping and personal services. The proposed Off-Premise Advertising (Billboard) Sign use is a permitted use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X

The site does not lie within a Special Area Plan or Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	400 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	240 Feet	N
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	210 feet	Y

The sign conforms to all separation standards for off premise signs except for the distance from the sign to residential use.

B) General Analysis and Discussion

- Zoning

An off-premise advertising (Billboard) sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

The Off-Premise Advertising (Billboard) Sign is located 240 feet from property designated as "R" (Residential), however, the immediately surrounding area has not significantly changed enough since the last two-year review to warrant the removal of the Off-Premise Advertising (Billboard) Sign. Therefore, the off premise sign remains appropriate for this location.

- Site Inspection

05/03/04 Staff conducted a site inspection and determined that the sign was clear of any graffiti. However, advertising flyers were attached to the base of the sign. A condition is recommended to keep the site properly maintained at all times.

FINDINGS

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."**

Title 19.14.100 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. While the area immediately surrounding the subject site has not changed substantially in the past two years since the previous Special Use Permit review, billboards are not conducive to new development and are not an appropriate use in perpetuity. It is recommended this approval be subject to a two-year review.

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

There are no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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."**

The subject site is located adjacent to Eastern Avenue, which is designated as a 100-foot wide Primary Arterial street, on the Master Plan of Streets and Highways. The proposed use will not generate any additional traffic demand.

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."**

The proposed off-premise sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

PLANNING COMMISSION ACTION

The Planning Commission believed there is significant signage clutter in the area and the billboard should not remain in this location.

NOTICES MAILED 119 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4268** APN: **13926505004**

Name of Property Owner: **MR & MRS Robert McElhose**

Name of Applicant: **Clear Channel Outdoor**

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

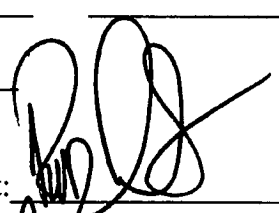
☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

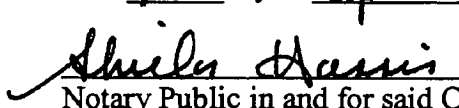
APN: _____

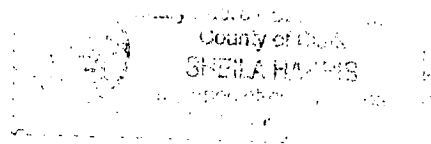
Signature of Property Owner/Authorized Agent: 

Print Name: **Robert McElhose**

Subscribed and sworn before me

This **7th** day of **April**, 20**04**


Notary Public in and for said County and State



Parcel # 132-014-014
 57 Acres
 Prop. App. 1985 at Eastern
 2000-01



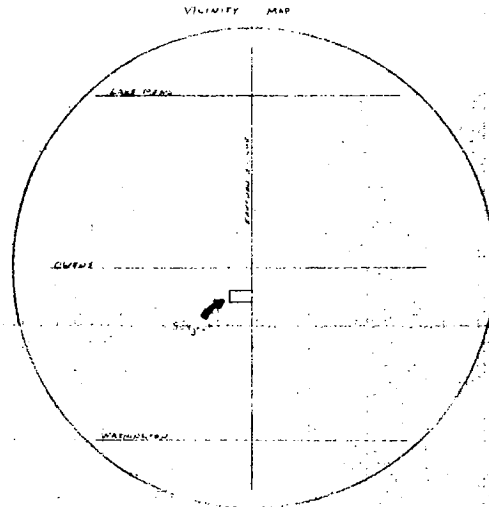
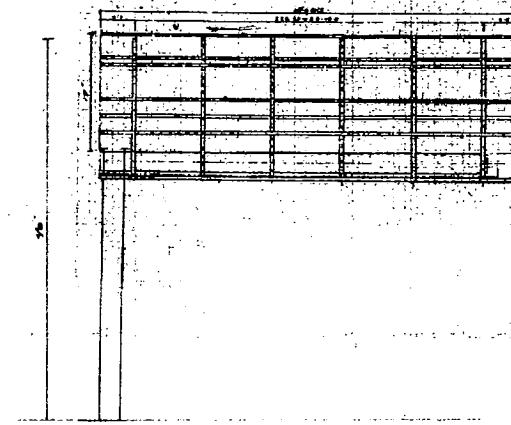
Millard
 Avenue

3.00

Proposed
 110'

Proposed
 110'

EASTERN
 AVE



RQR-4268
5-27-04 PC

DONREY

Project #	132-014-014	Sheet #	1	Drawn By	Robert M. Brown
Date	12-07-01	Scale		Drawn By	Michael Porrah

1211 West Bonanza Road, Drawn By Michael Porrah Phone 382-5020



RQR-4268 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: MCELHOSE TRUST
1535 NORTH EASTERN AVENUE
MAY 27, 2004 PLANNING COMMISSION

5/3/04



CLEAR CHANNEL OUTDOOR

June 1, 2004

City Clerk
City Hall
400 Stewart Avenue
Las Vegas, NV 89101

RE: Letter of Appeal for RQR-4268

To Whom It May Concern:

At its regular meeting on Thursday, May 27, 2004, Clear Channel Outdoor had an item on the one One-Motion-One Vote Agenda with Staff and Planning recommending Approval. For some reason unknown Planning Commission took our item off the One-Motion-One Vote and made it a public hearing, at that time the Planning Commissioners turned down our continuation of our Special Use Permit.

At this time its Clear Channel Outdoors wishes to Appeal this decision made by Planning Commission and have this heard at City Council on a latter date.

Regards,
Clear Channel Outdoor

Rod Carter
Senior Real Estate Executive
Clear Channel Outdoor-Las Vegas

2004 JUN - 1 P 2:04

RECEIVED
CITY CLERK

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4270 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: POOLE SANFORD, LIMITED LIABILITY COMPANY - Required Two Year Review of an approved Special Use Permit (U-0010-97) WHICH ALLOWED A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3901 North Rancho Drive (APN: 138-12-110-004), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman filed under Items 3 and 101
5. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

BROWN – APPROVED subject to conditions – **UNANIMOUS** with **GOODMAN** abstaining because members of his law firm are involved in negotiations with billboard companies and **MACK** abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 145 – RQR-4270

MINUTES Continued:

items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

ROD CARTER, 2880 Mead Avenue, appeared on behalf of the applicant, concurred with all conditions and requested approval.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:23 – 4:24)

5-3250

CONDITIONS:

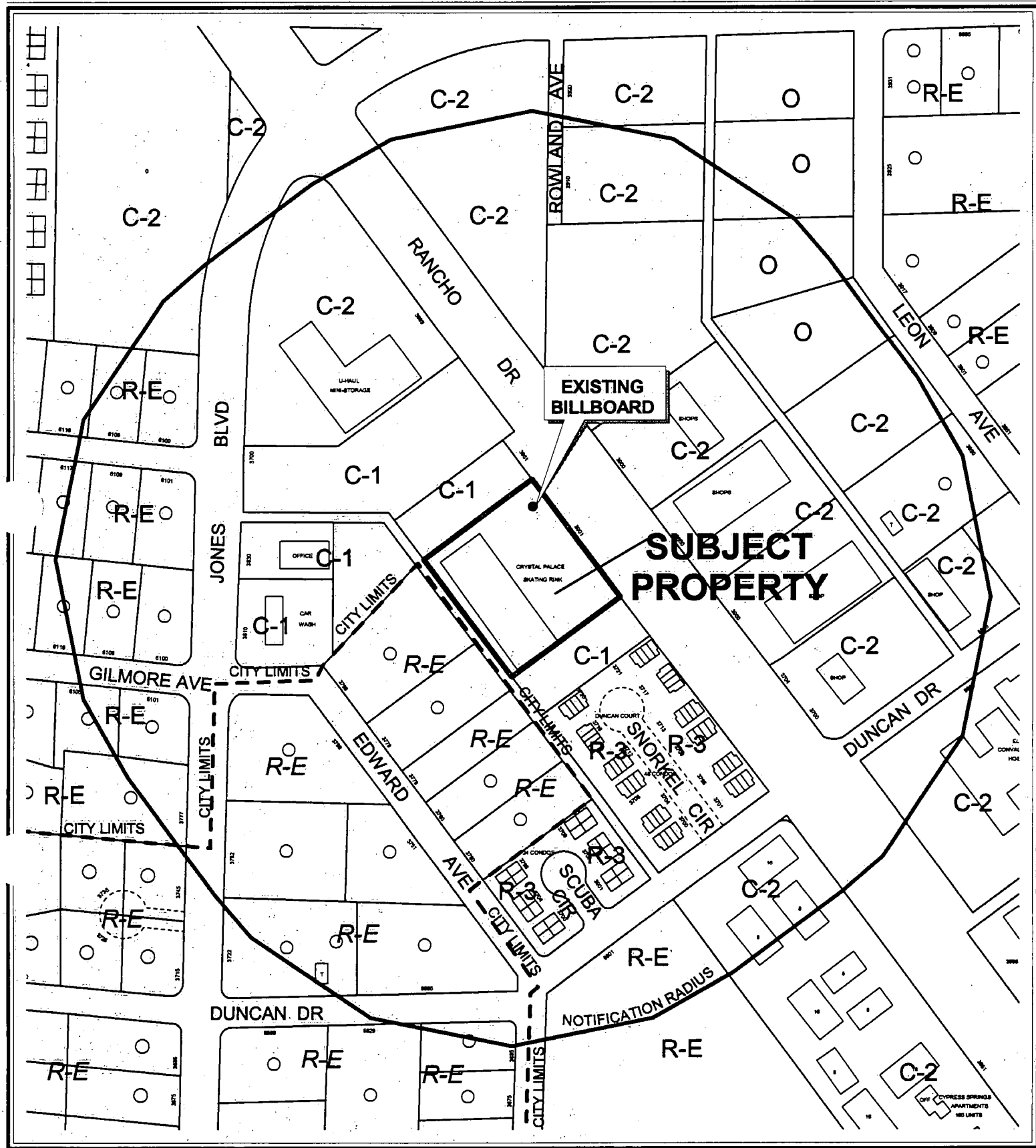
Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 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.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 145 – RQR-4270

CONDITIONS Continued:

4. Only one advertising sign is permitted per sign face.
5. If the existing 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.
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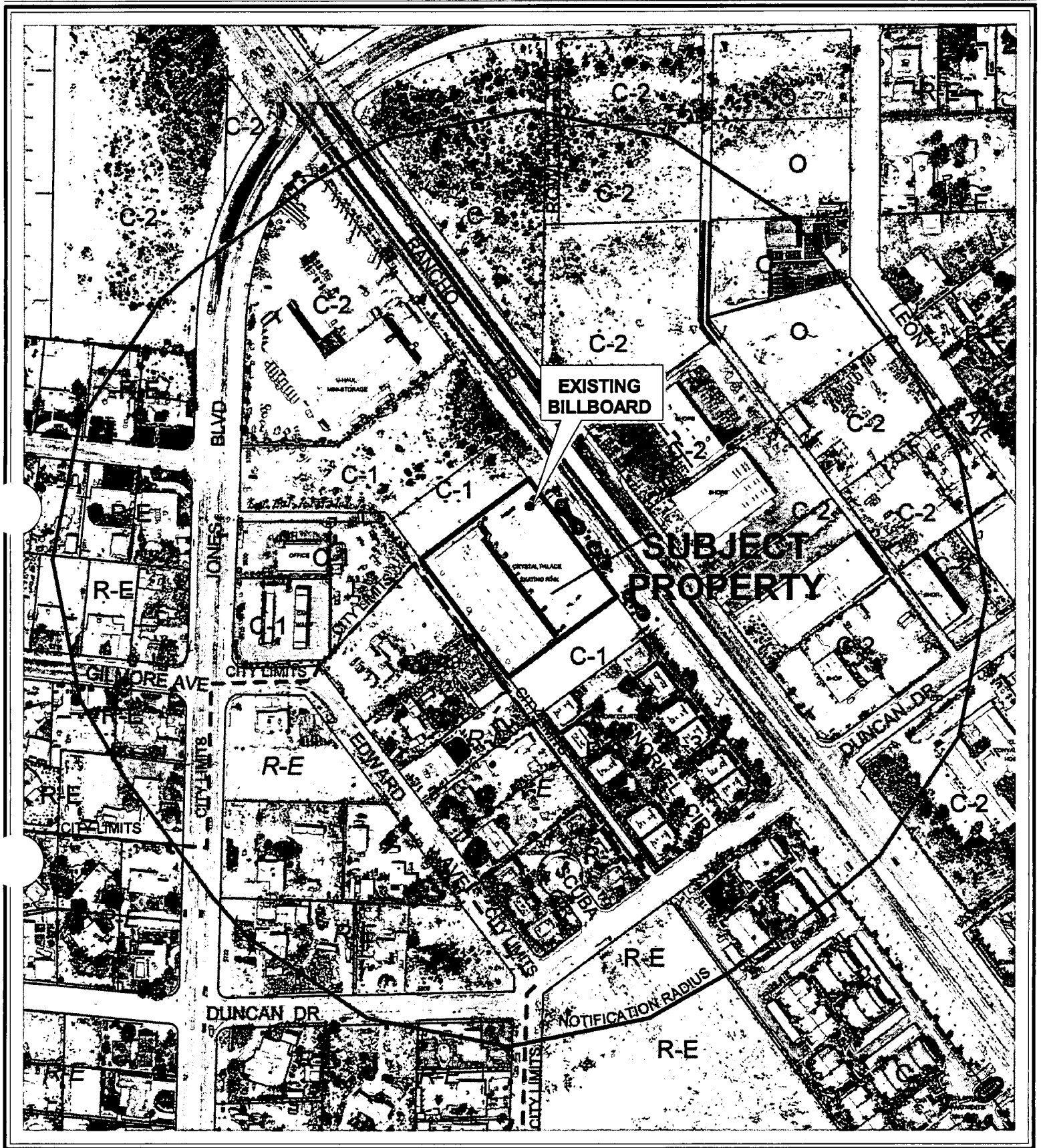


CASE: RQR-4270

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



CASE: RQR-4270

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4270 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: POOLE SANFORD, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in three (3) 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 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. Only one advertising sign is permitted per sign face.
5. If the existing 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.
6. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Required Three (3) Year Review of an approved Special Use Permit (U-0010-97) for one 40 foot high, 14 foot x 48 foot off-premise advertising (billboard) sign, located at 3901 North Rancho Drive.

BACKGROUND INFORMATION

A) Previous Actions

- 04/28/97 The City Council approved an appeal for a Special Use Permit (U-0010-97) for this off-premise (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment recommended denial. Staff recommended approval.
- 06/05/02 The City Council approved a Five (5) Year Required Review [U-0010-97(1)] of this off-premise sign, subject to a two-year review. The Planning Commission and staff both recommended approval.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #14/pl).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.89

B) Existing Land Use

Subject Property: Crystal Palace Skating Rink
North: Vacant
South: Vacant, Multi-Family Residential
East: General Commercial Warehousing
West: County Residential Dwellings

C) Planned Land Use

Subject Property: SC Service Commercial
North: SC Service Commercial
South: SC Service Commercial
East: SC Service Commercial
West: Clark County Parcels

D) Existing Zoning

Subject Property: C-1 Limited Commercial
North: C-1 Limited Commercial
South: C-1, R-3 Limited Commercial, Medium Density Residential
East: C-2 General Commercial
West: Clark County

E) General Plan Compliance

This site is designated SC (Service Commercial) in the Northwest General Plan Land Use Plan Map of the General Plan. The existing C-1 (Limited Commercial) Zoning is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not within any Special Area Plan or Overlay District.

ANALYSIS

A) Zoning Code Compliance

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	350 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	305 Feet	Y
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	745 feet	Y

The subject sign conforms to all separation standards of Title 19.

B) General Analysis and Discussion

- Zoning

An off-premise advertising (billboard) sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. The subject property is C-1 (Limited Commercial) zoned and is located on the west side of North Rancho Drive, just south of the Jones Boulevard, Alexander Road, and North Rancho Drive intersection. The subject location is located within the Off-Premise Sign Exclusionary Zone.

- Use

Title 19.14.010 allows the removal of an off-premise sign if conditions in the surrounding area have changed such that the off-premises advertising (billboard) sign no longer meets the standards for approval. There have been no significant changes to the surrounding development pattern.

- Site Inspection

On April 30, 2004, a site visit determined that the sign is well kept; the pole has retained its brown coloring and has not been vandalized. The sign contained two advertisements on one face of the billboard, as well as an embellishment protruding off the top of the billboard. The embellishment is permitted as long as it contains an area of no more than 128 square feet and does not exceed five feet above the regular rectangle surface.

FINDINGS

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.”**

Title 19.14.100 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. While the area immediately surrounding the subject site has not changed substantially in the past two years since the previous Special Use Permit review, billboards are not conducive to new development and are not an appropriate use in perpetuity. It is recommended this approval be subject to a three-year review.

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

There are no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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.”**

The continuation of the off-premise advertising (billboard) sign use will not generate any additional traffic on the adjacent roadway network.

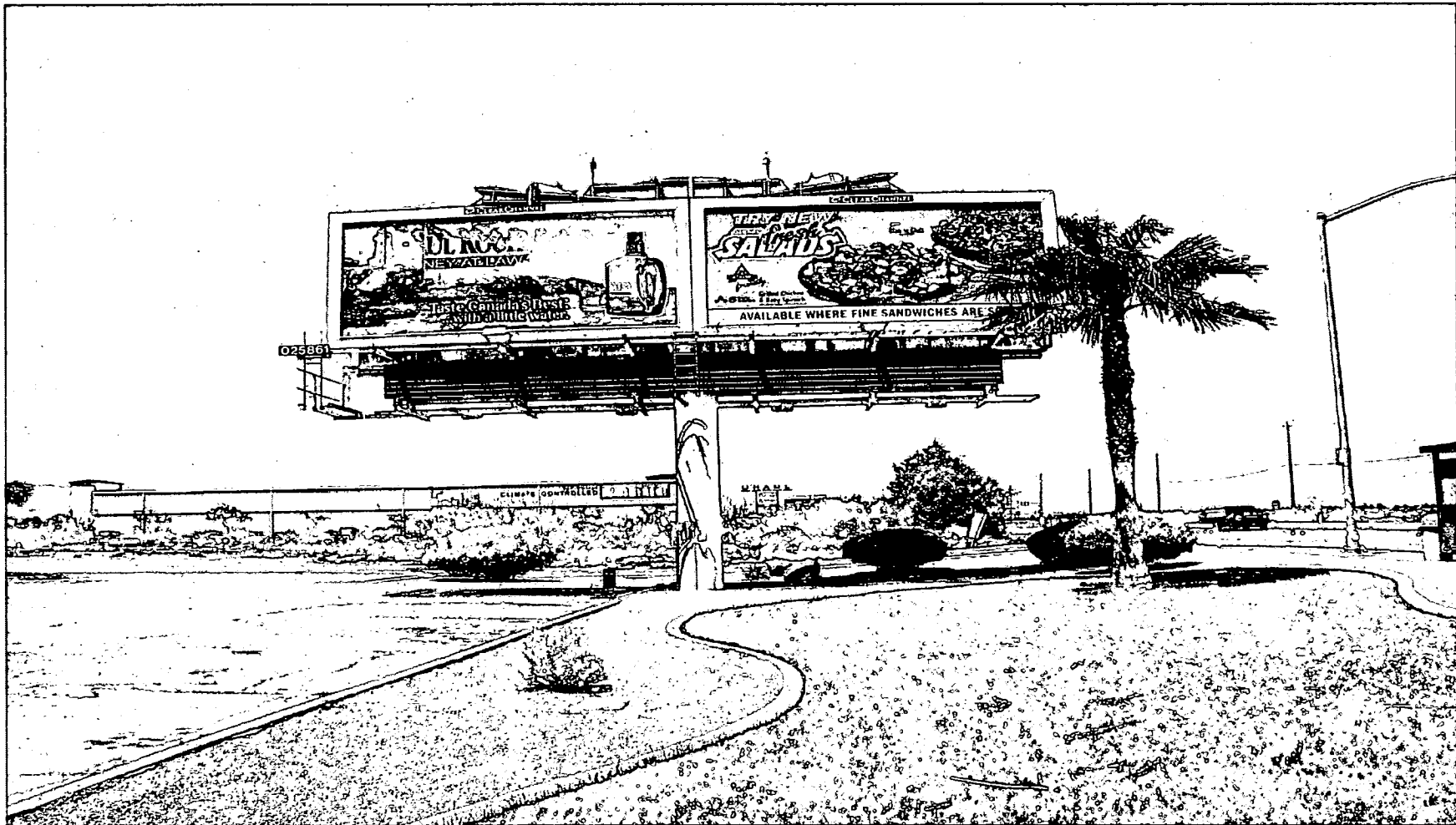
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The off-premise advertising (billboard) sign will be subject to regular City inspections and will not compromise the public health, safety and welfare.

NOTICES MAILED 99 by City Clerk

APPROVALS 0

PROTESTS 0



RQR-4270 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: POOLE SANFORD, LIMITED
LIABILITY COMPANY
3901 NORTH RANCHO DRIVE
MAY 27, 2004 PLANNING COMMISSION

4/30/04



RQR-4270 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: POOLE SANFORD, LIMITED
LIABILITY COMPANY
3901 NORTH RANCHO DRIVE
MAY 27, 2004 PLANNING COMMISSION

4/30/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4271 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS - Required Two Year Review of an approved Special Use Permit (U-0171-89) WHICH ALLOWED A 12 FOOT X 24 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1323 South Main Street (APN: 162-03-110-088), C-M (Commercial/Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest letter by Pinhas Avganim
5. Back up referenced from the 5/27/2004 Planning Commission Item 15
6. Submitted at City Council – City Attorney's Office Written Opinion for Mayor Goodman filed under Items 3 and 101
7. Submitted at City Council – City Attorney's Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his more active role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEUMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 146 – RQR-4271

MINUTES Continued:

of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

ROD CARTER, 2880 Mead Avenue, appeared on behalf of the applicant and stated that the Planning Commission had requested Clear Channel to upgrade the sign face of the subject sign. New vinyl has been installed and the work was completed within the 60-day timeframe given. MR. CARTER concurred with conditions and requested approval.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:24 – 4:25)

5-3301

CONDITIONS:

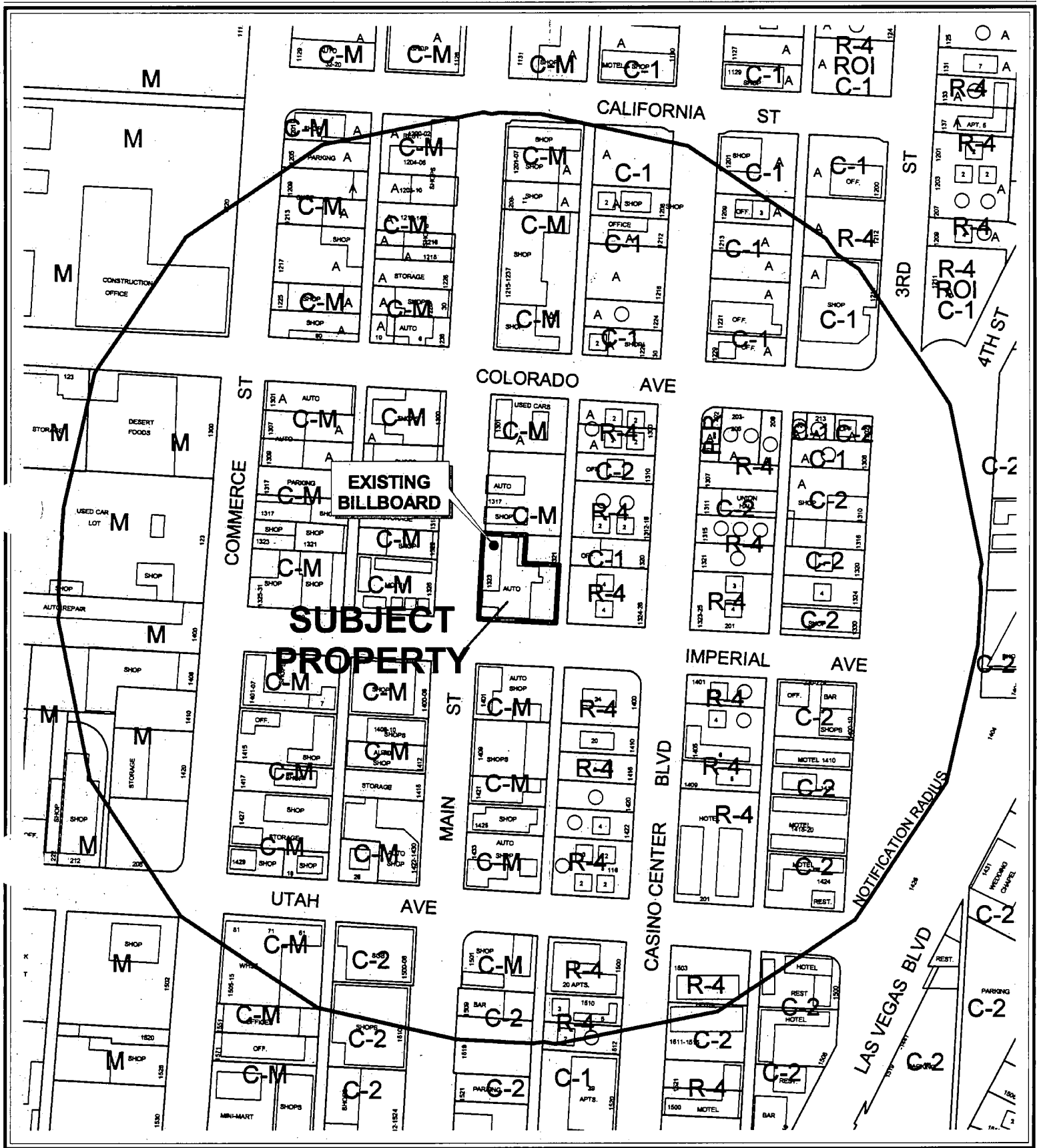
Planning and Development

1. The Special Use Permit shall be reviewed in one (1) year 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 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.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 146 – RQR-4271

CONDITIONS Continued:

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. The applicant shall repair the sign face within the next sixty (60) days.
5. If the existing 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.
6. All City Code requirements and design standards of all City Departments shall be satisfied.

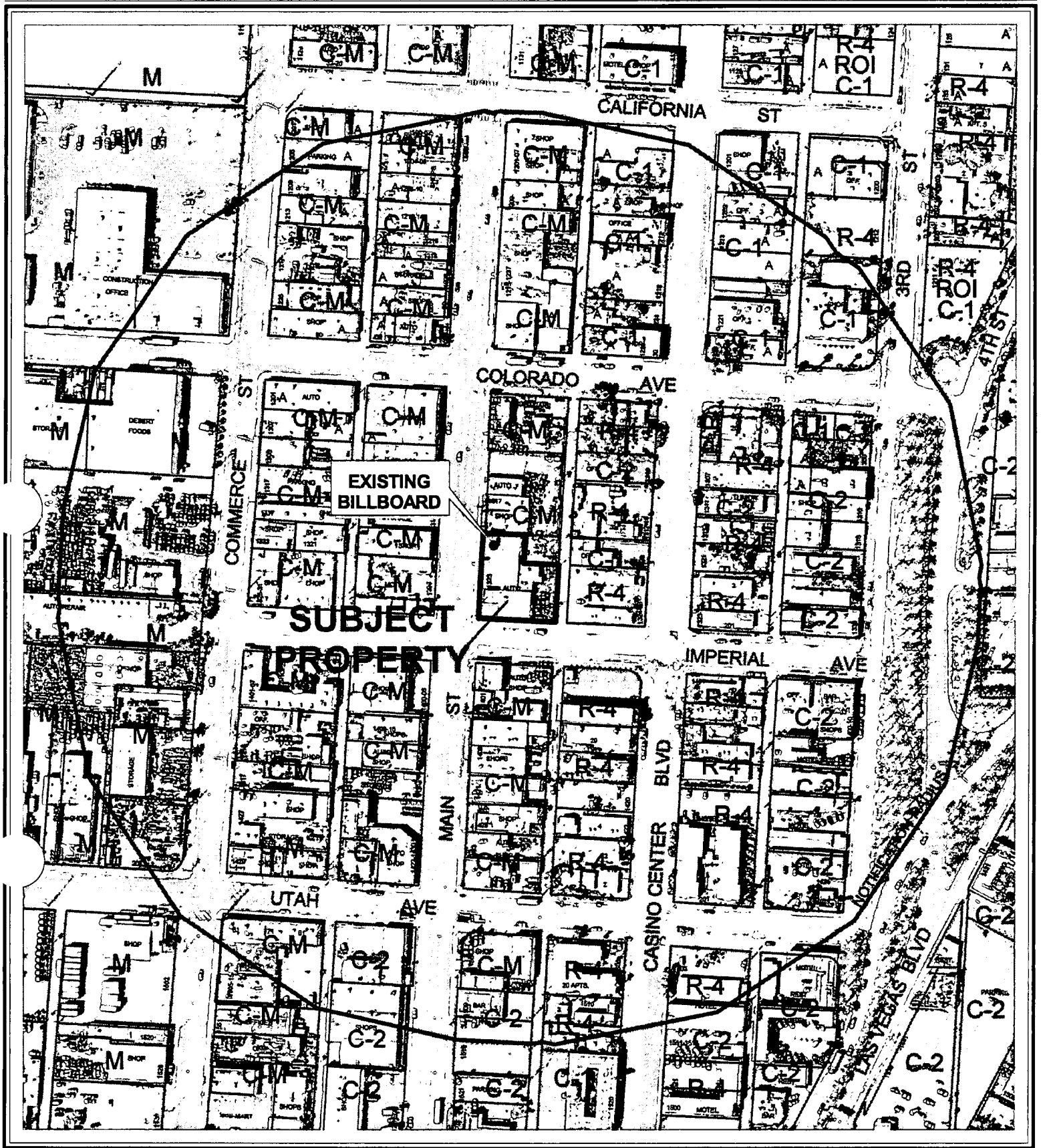


CASE: RQR-4271

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)





CASE: RQR-4271

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4271 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: KENNETH SIMKINS**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in one (1) year 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 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. The applicant shall repair the sign face within the next sixty (60) days.
5. If the existing 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.
6. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required Two Year Review of an approved Special Use Permit (U-0171-89) for one 12-foot x 24-foot off-premise advertising (billboard) sign, measuring 40 feet in height, located at 1323 South Main Street.

BACKGROUND INFORMATION

A) Previous Actions

- 12/20/89 The City Council approved a Special Use Permit (U-0171-89) for one 12-foot x 24-foot off-premise advertising (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
- 01/18/95 The City Council approved a Required Five Year Review [U-0171-89(1)] for one 12-foot x 24-foot off-premise advertising (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
- 04/05/00 The City Council approved a Required Five Year Review [U-0171-89(2)] for one 12-foot x 24-foot off-premise advertising (billboard) sign on the site, subject to a two-year review. The City Planning Commission and staff recommended denial.
- 06/05/02 The City Council approved a Required Two Year Review[U-0171-89(3)] for one 12-foot X 24-foot off-premise advertising (billboard) sign on the site, subject to a two-year review. The Planning Commission and staff recommended approval.
- 05/27/04 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/pl).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.41

B) Existing Land Use

Subject Property: Automotive Garage
 North: Industrial / Commercial Uses
 South: Automotive Garage
 East: Multi-Family Residential, Office
 West: Motel, Retail

C) Planned Land Use

Subject Property: DTR/ C Downtown Redevelopment/ Commercial
 North: DTR/ C Downtown Redevelopment/ Commercial
 South: DTR/ C Downtown Redevelopment/ Commercial
 East: DTR/ MXU Downtown Redevelopment/ Mixed Use
 West: DTR/ C Downtown Redevelopment/ Commercial

D) Existing Zoning

Subject Property: C-M Commercial/Industrial
 North: C-M Commercial/Industrial
 South: C-M Commercial/Industrial
 East: R-4, C-1 High Density Residential, Limited Commercial
 West: C-M Commercial/Industrial

E) General Plan Compliance

This location is shown as C (Commercial) on the DTR Map. The site is also located in the Downtown Centennial Plan area. The existing C-M (Commercial/Industrial) Zoning designation is not in conformance with the General Plan. The subject off-premise sign is permitted.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located in the Las Vegas Redevelopment Plan and Downtown Centennial Plan areas. There are no requirements within these plans that would affect the continuation of the off-premise advertising (billboard) sign use.

ANALYSIS

A) Zoning Code Compliance

A1) Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	288 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	310 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	150 Feet	N
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	144 feet	Y

The off-premise advertising (billboard) sign is within the 300-foot minimum distance separation from R-4 (High Density Residential) zoned property located to the east.

B) General Analysis and Discussion

- Zoning

The off-premise advertising (billboard) sign is not within the Off-Premise Sign Exclusionary Zone under Las Vegas Municipal Code Title 19.14.100, and is within a C-M (Commercial/Industrial) zone, which allows off-premise advertising (billboard) signs by Special Use Permit.

- Use

There has not been any significant change in the area immediately surrounding this site in the past two years. Also, the Planning Commission and staff have consistently determined that the sign is appropriate.

- Conditions

On May 5, 2004 a site inspection showed that the site has been properly maintained and kept clear of graffiti.

FINDINGS

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."**

Title 19.14.010 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise advertising (billboard) sign no longer meets the standards for approval of a Special Use Permit. The area immediately surrounding the subject site has not changed substantially since the last two-year review of the Special Use Permit allowing the off-premise advertising (billboard) sign.

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

There are no physical constraints to the location of the use on the subject site.

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."**

The off-premise advertising (billboard) sign is located in an area served by Main Street and Imperial Street, both existing fully developed streets.

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."**

The off-premise sign will be subject to regular inspection and will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #1 to require a one year review and Condition #4 with regard to maintenance.

NOTICES MAILED 105 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4271** APN: **162-03-110-088**

Name of Property Owner: **KENNETH SIMKINS**

Name of Applicant: **CLEAR CHANNEL OUTDOOR**

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

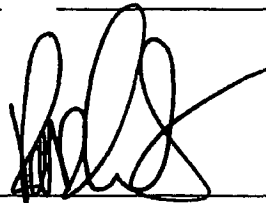
_____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

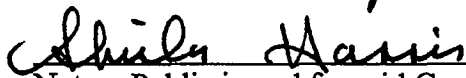
APN: _____

Signature of Property Owner/Authorized Agent: 

Print Name: Kenneth Simkins

Subscribed and sworn before me

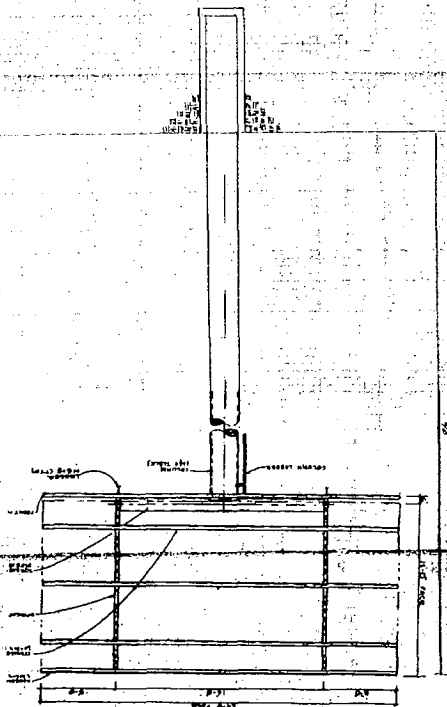
This 7th day of April, 2004


Notary Public in and for said County and State

STAFF

ROR-4271
5-27-04

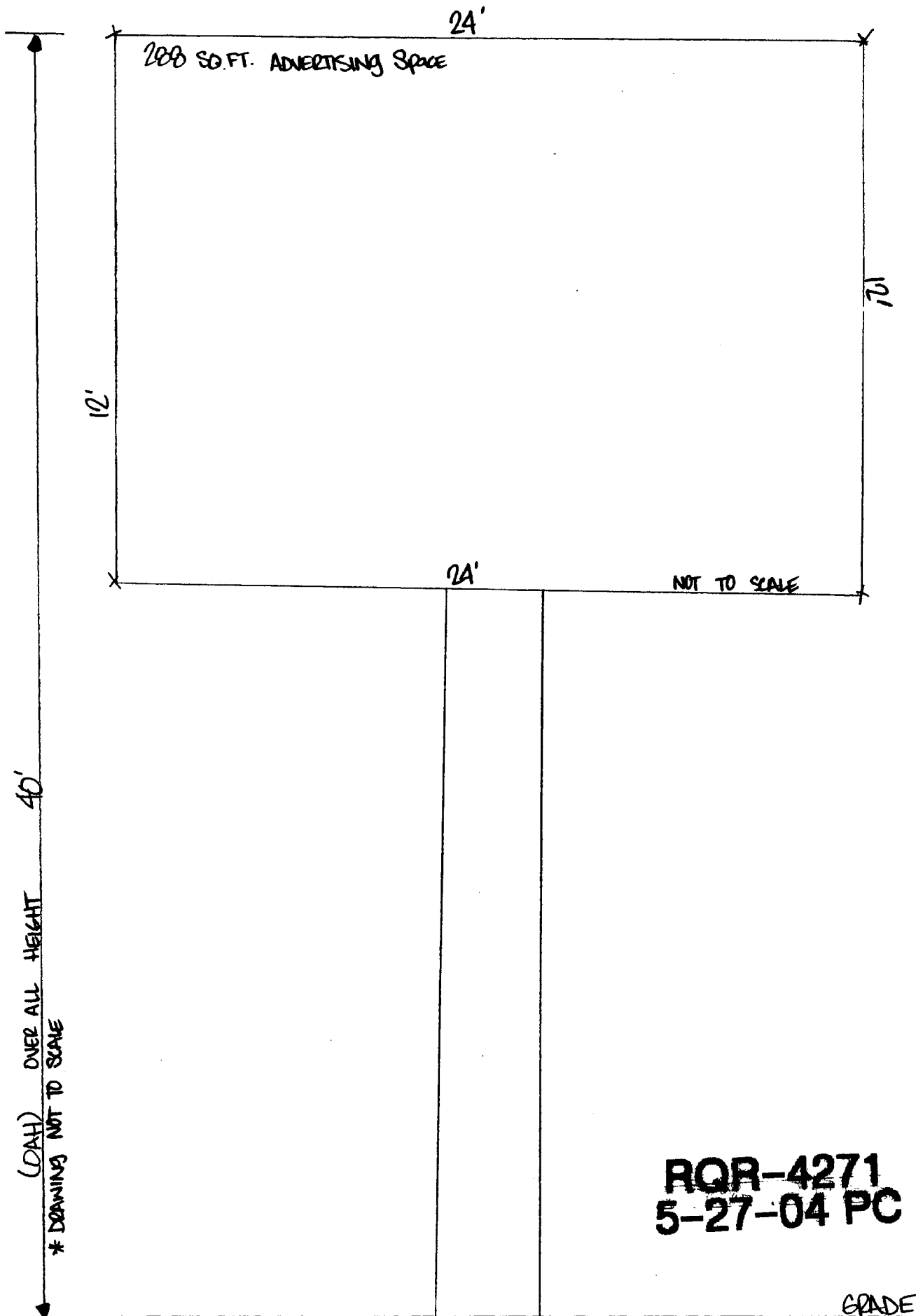
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210-260-010
10-26-010

NAV



ELEVATIONS CHART NOT TO SCALE



RQR-4271 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS
1323 SOUTH MAIN STREET
MAY 27, 2004 PLANNING COMMISSION

5/3/04



RQR-4271 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS
1323 SOUTH MAIN STREET
MAY 27, 2004 PLANNING COMMISSION

5/3/04

IN CALIFORNIA (818) 344-1957
OUTSIDE TOLL FREE (877) 448-6637

Fax: (818) 344-3822

JNR Imaging

Fax

To: CITY COUNCIL

From: PINHAS AVGANIM

Fax: 702 382-4803

Pages: 2

Phone:

Date: 07-07-04

Re: PROTESTING SIGN

CC:

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

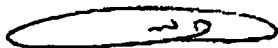
protest

To Whom It May Concern,

I am protesting the physical addition of the banner or sign reference number RQR-4271. I own a property on 1425 South Main St. and 1431 South Main St.

Thank you for your prompt attention of this matter,

Pinhas Avganim



RECEIVED
CITY CLERK
2004 JUL -6 A 11:46

Submitted after final agenda

Date 7/6/04 Item #146

NOTICE OF PUBLIC HEARING**REQUIRED TWO YEAR REVIEW**

ALPHA TRUST
5812 MELLISA LN
WOODLAND HILLS CA 91367-4401

MEETING: CITY COUNCIL
DATE: JULY 7, 2004
TIME: 1:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

229 6311

FAX 382 4803

RQR-4271

APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS - REQUIRED TWO YEAR REVIEW OF AN APPROVED SPECIAL USE PERMIT (U-0171-89) WHICH ALLOWED A 12 FOOT X 24 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN AT 1323 SOUTH MAIN STREET (APN: 162-03-110-088), C-M (COMMERCIAL/INDUSTRIAL) ZONE, WARD 1 (MONCRIEF).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE NORTH HALF (N½) OF THE NORTHWEST QUARTER (NW¼) OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 61 EAST, M.D.M.

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>



BARBARA JO RONEMUS
CITY CLERK

SEE LOCATION MAP ON REVERSE SIDE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - RQR-4282 - APPLICANT: LAMAR ADVERTISING - OWNER: GENERAL MILLS RESTAURANTS, INC. - Required Two Year Review of an approved Special Use Permit (U-185-89) WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1361 South Decatur Boulevard (APN: 162-06-211-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

The Planning Commission (6-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman filed under Items 3 and 101
5. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK abstaining because of a conflict of interest created by his new role at Mack Consulting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 147 – RQR-4282

MINUTES Continued:

of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

Under Item 136, COUNCILMAN MACK submitted an opinion memo to CITY CLERK BARBARA JO RONEUMUS from the City Attorney, which pertained to Item 136 [RQR-3686], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271] and Item 147 [RQR-4282]. He disclosed the basis of his abstention for Item 136 [RQR-3686] is that Mack Consulting is taking a more active role in the procuring of advertising to its clients, thereby creating a conflict of interest with Lamar Advertising. He referenced his abstention on the remaining items for similar reasons.

MAYOR PRO-TEM REESE declared the Public Hearing open.

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, appeared on behalf of the applicant and concurred with staff conditions.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(3:10 – 3:11)

5-1012

CONDITIONS:

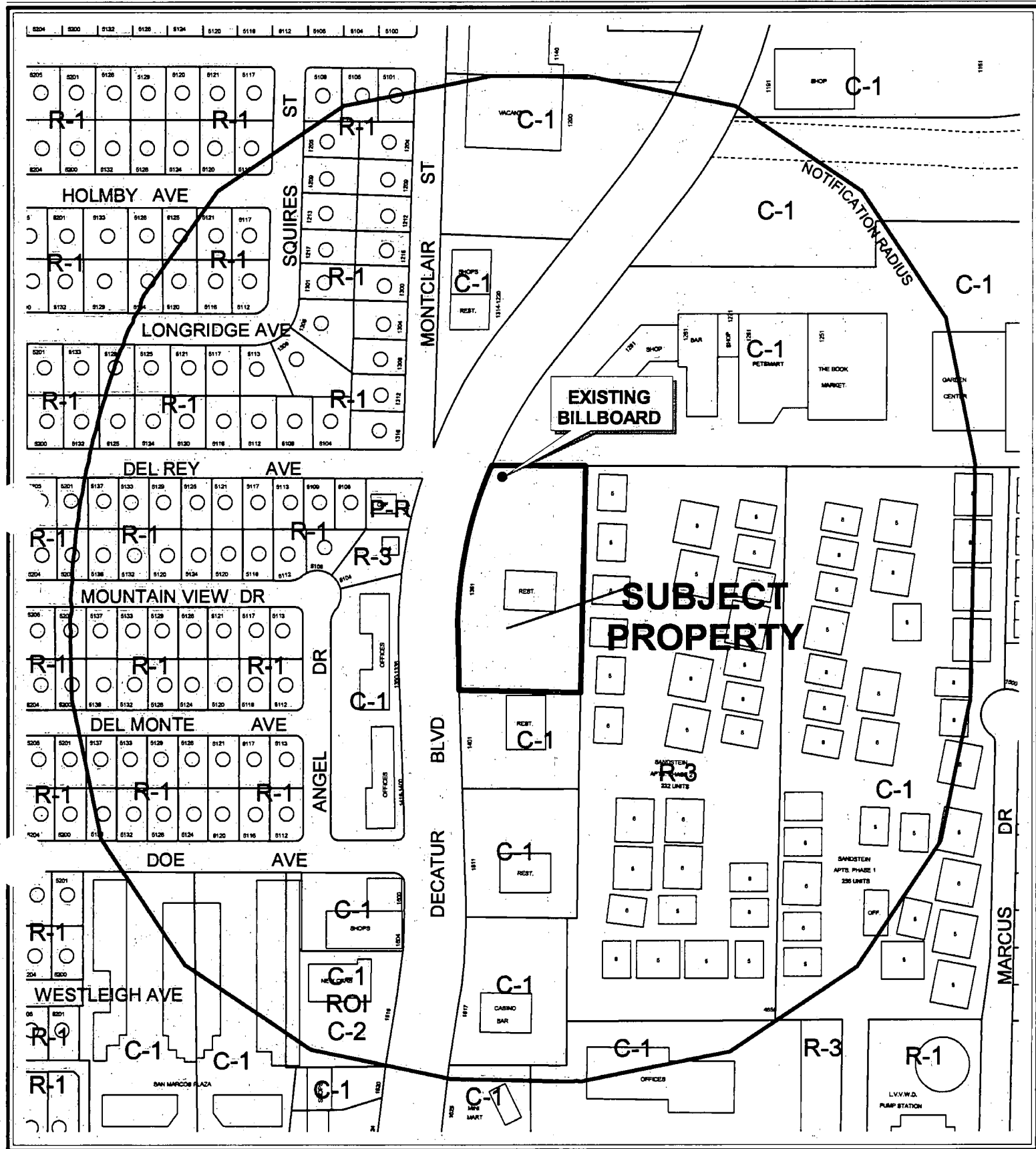
Planning and Development

1. The Special Use Permit shall be reviewed in one (1) year 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 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.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 147 – RQR-4282

CONDITIONS Continued:

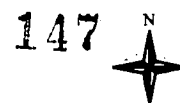
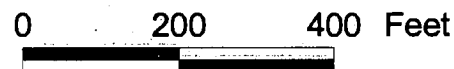
4. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) 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.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

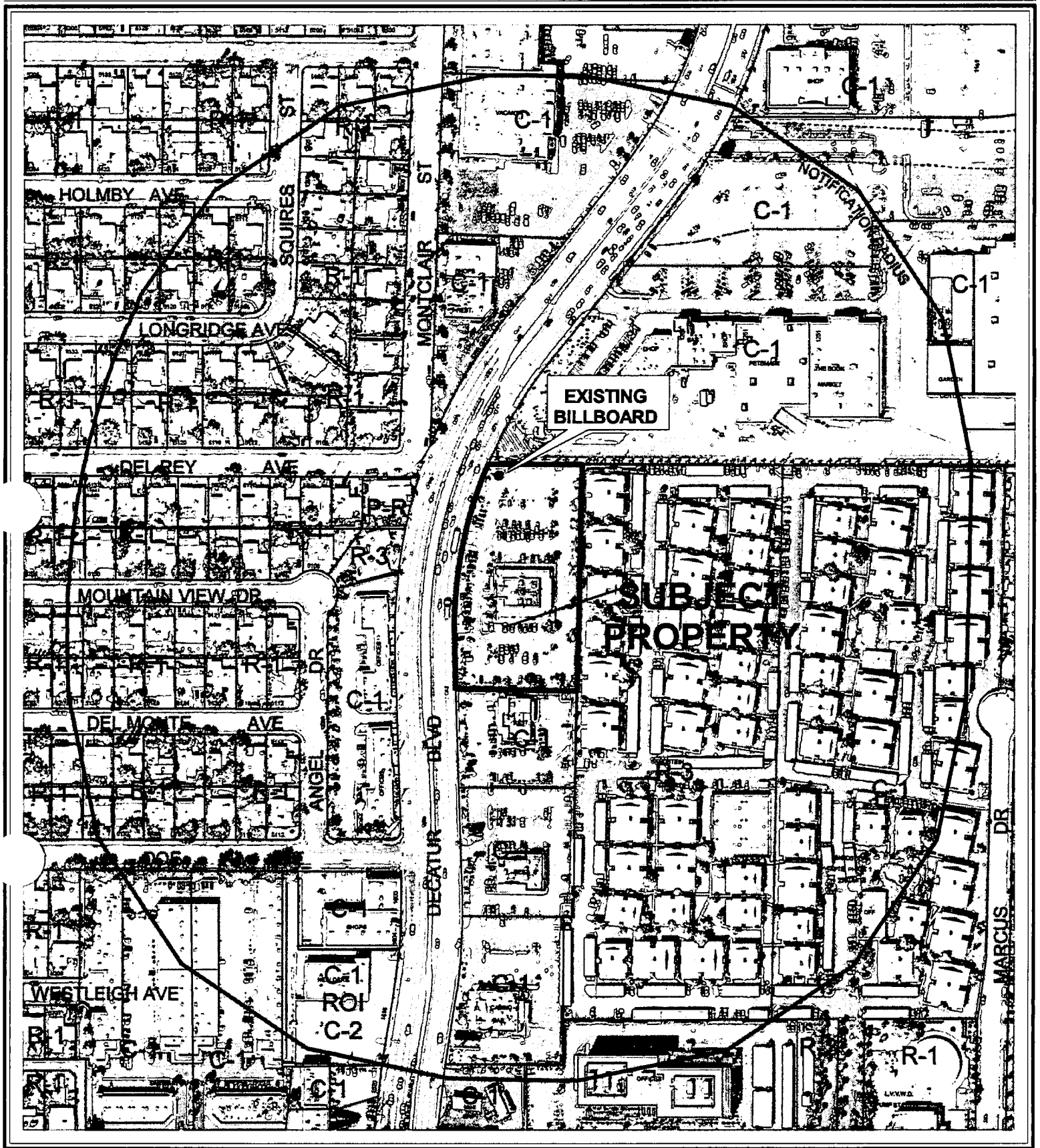


CASE: RQR-4282

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





CASE: RQR-4282

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-4282 - APPLICANT: LAMAR ADVERTISING -
OWNER: GENERAL MILLS RESTAURANTS, INC.**

**** CONDITIONS ****

The Planning Commission (6-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in one (1) year 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 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 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.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a required Two-Year Review of an approved Special Use Permit (U-0185-89) for one 672 square foot (14 foot by 48 foot), 40 foot high off-premise advertising (billboard) sign, located at 1361 South Decatur Boulevard.

BACKGROUND INFORMATION

A) Previous Actions

- 01/17/90 The City Council approved a Special Use Permit (U-0185-89) for replacement of an existing off-premise sign with one 672 square foot (14 foot x 48 foot), 40 foot high off-premise advertising (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
- 02/15/95 The City Council approved a Required Five-Year Review [U-0185-89(1)] of an approved Special Use Permit (U-0185-89) for the 672 square foot (14 foot x 48 foot), 40-foot high off-premise advertising (billboard) sign on the site, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
- 04/05/00 The City Council approved a Required Five-Year Review [U-0185-89 (2)] of an approved Special Use Permit (U-0185-89), which allowed a 14-foot x 48-foot off-premise advertising (billboard) sign, subject to a two-year review. The Planning Commission and staff recommended approval.
- 06/019/02 The City Council approved a Required Two-Year Review [U-0185-89(3)] of an approved Special Use Permit (U-0185-89), which allowed a 14-foot x 48-foot off-premise advertising (billboard) sign, subject to a two-year review. The Planning Commission and staff recommended approval.
- 05/27/04 The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #16/pl).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.28

B) Existing Land Use

Subject Property: Restaurant (Olive Garden)
North: Commercial Center (Pet Smart, Lowe's, etc.)
South: Restaurant (IHOP)
East: Apartments (Sandstein Apartments, 232 Units)
West: Office Buildings and Multi Family Residential

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: M (Medium Density Residential)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: R-3 (Medium Density Residential)
West: C-1 (Limited Commercial), P-R (Professional Office and Parking),
R-3 (Medium Density Residential)

E) General Plan Compliance

This site is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. The existing C-1 (Limited Commercial) Zoning is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no Special Area Plans or Overlay Districts associated with this site.

ANALYSIS

A) Zoning Code Compliance

A1) Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	630 Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	180 Feet	N
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	1,325 feet	Y

The off-premise advertising (billboard) sign is within the 300-foot minimum distance separation from R-3 (Medium Density Residential) zoned property located to the east and to the west.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial), and an off-premise advertising (billboard) sign is a permitted use within the C-1 (Limited Commercial) zone subject to a Special Use Permit.

- Use

The continued off-premise sign use on the subject site is appropriate, in that the surrounding area has not changed substantially in the past two years. Therefore, continuation of the billboard use will be appropriate for the next three years.

- Conditions

On 04/29/04 a site inspection of the subject property found that the off-premise advertising (billboard) sign was properly maintained and kept clear of graffiti. However, the photos taken of the site indicate the existence of two advertisements per sign face. A condition has been placed limiting advertisements to one per sign face.

FINDINGS

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.”**

Title 19.14.010 allows the removal of an off-premise advertising (billboard) sign if conditions in the surrounding area have changed such that the off-premise advertising (billboard) sign no longer meets the standards for approval of a Special Use Permit. The area immediately surrounding the subject site has not changed substantially since the last three-year review of the Special Use Permit allowing the off-premise advertising (billboard) sign.

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

There are no physical constraints to the location of the use on the subject site.

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.”**

The off-premise advertising (billboard) sign is located in an area served by Main Street and Imperial Street, both existing fully developed streets.

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.”**

The off-premise sign will be subject to regular inspection and will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission deleted one Condition and amended Condition #1 to require a one year review.

NOTICES MAILED 109 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-4282** APN: **162-06-211-001**

Name of Property Owner: **General Mills Restaurant**

Name of Applicant: **Lamar Advertising**

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

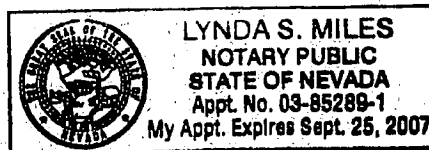
Print Name: **Scott Nafziger**

on behalf of owner

Subscribed and sworn before me

This **8th** day of **April**, 2004

Lynda S. Miles
Notary Public in and for said County and State



WESTLAND MALL
SHOPPING CENTER

PELICAN COVE APARTMENTS

OLIVE GARDEN
RESTAURANT

TR 11 = 100'-0" x 100'-0"

DECATUR BOULEVARD

APPROVED

Off premise sign refused
By: *Les Comeau* 8/29/89

COMMUNITY PLANNING & DEVELOPMENT
City of Las Vegas

RQR-4282
5-27-04 PC



RQR-4282 - APPLICANT: LAMAR ADVERTISING - OWNER: GENERAL MILLS RESTAURANTS, INC.
1361 SOUTH DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

4/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 5300 West Sahara Avenue (APN: 163-01-804-006), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Abeyance request by Singer & Brown
5. Submitted at City Council – City Attorney’s Office Written Opinion for Mayor Goodman filed under Items 3 and 101
6. Submitted at City Council – City Attorney’s Office Written Opinion for Councilman Mack filed under Item 136 [RQR-3686]

MOTION:

REESE – Motion to Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 135 [ROC-4121] and HOLD IN ABEYANCE Item 104 [709 Jackson], Item 148 [SUP-3152] to 7/21/2004, Item 119 [MSP-4380] to 8/4/2004 and Item 152 [SUP-4172] to 9/1/2004 – UNANIMOUS

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney’s office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 148 – SUP-3152

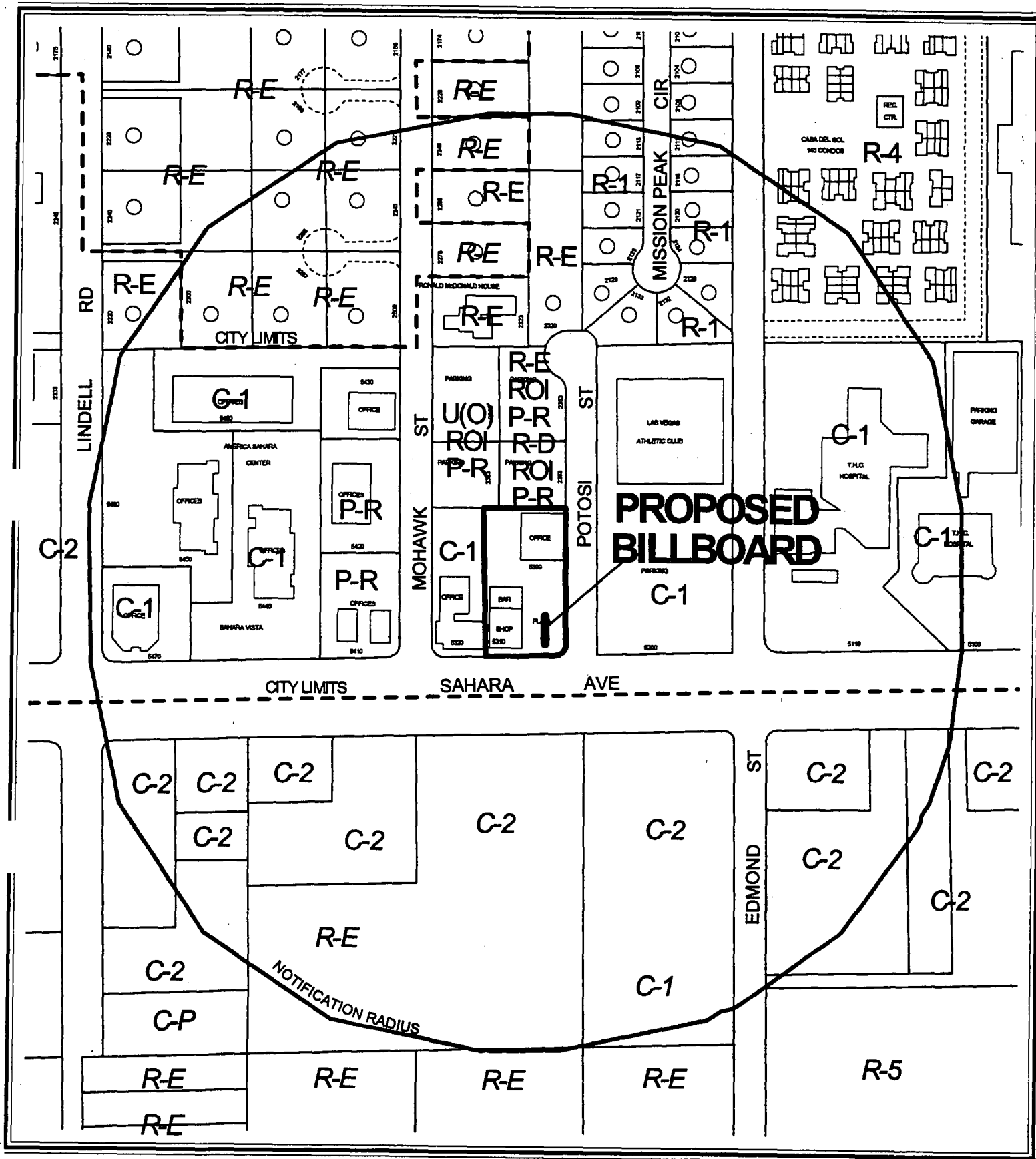
MINUTES Continued:

of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

There was no discussion

(1:34 – 1:38)

4-96



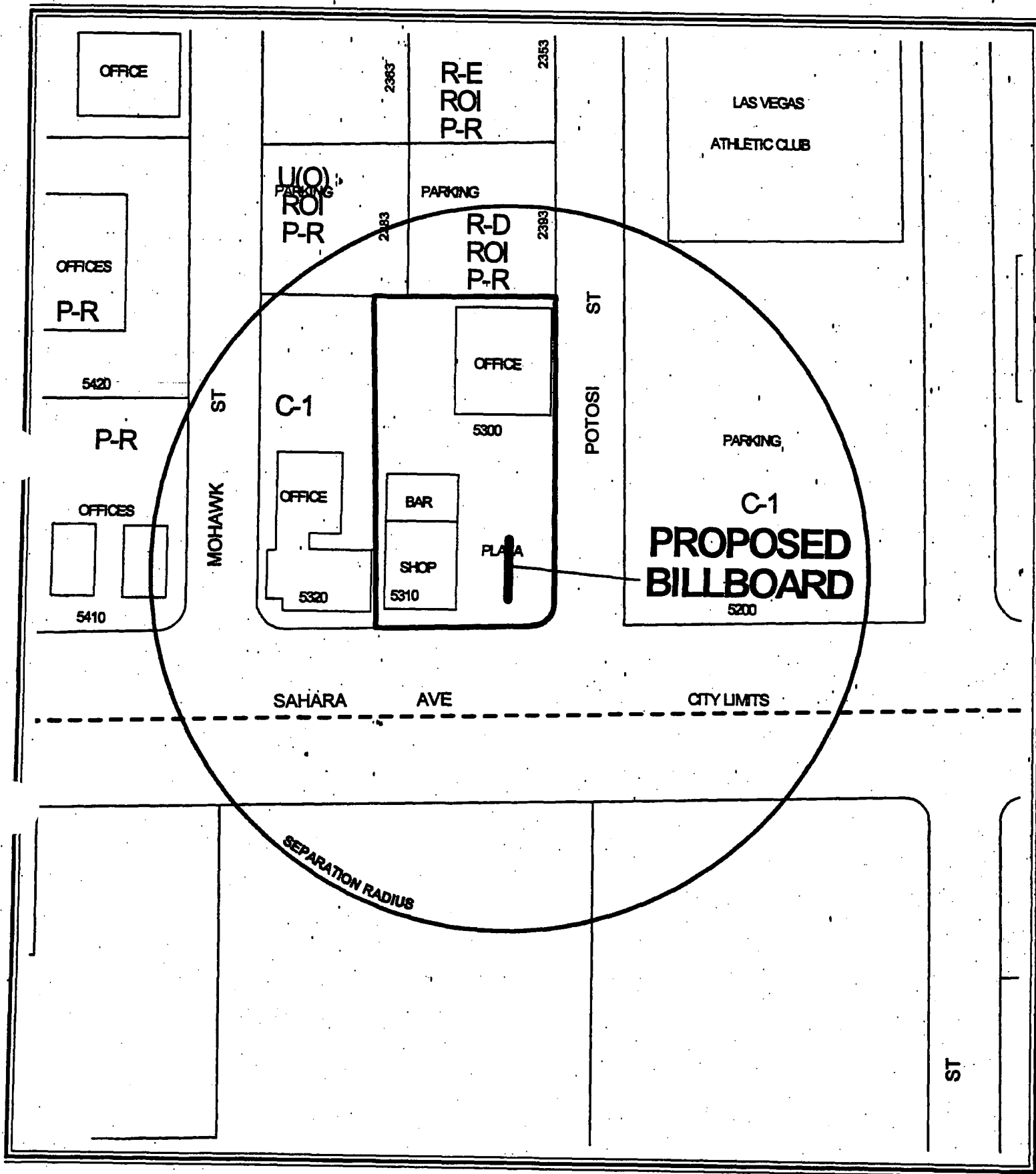
CASE: SUP-3152

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 100 200 Feet

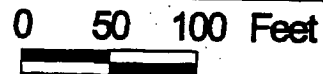


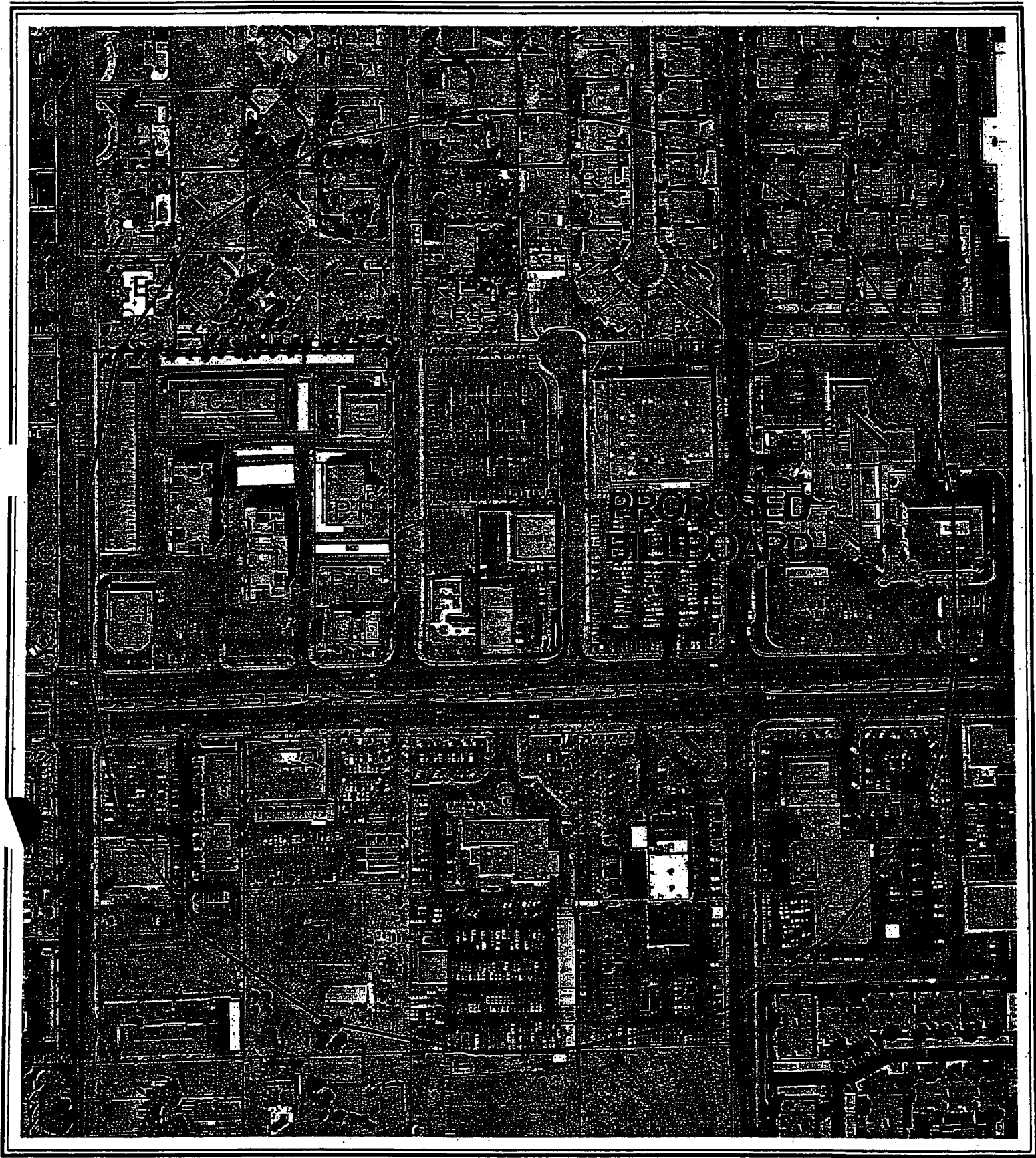


CASE: SUP-3152

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





CASE: SUP-3152

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

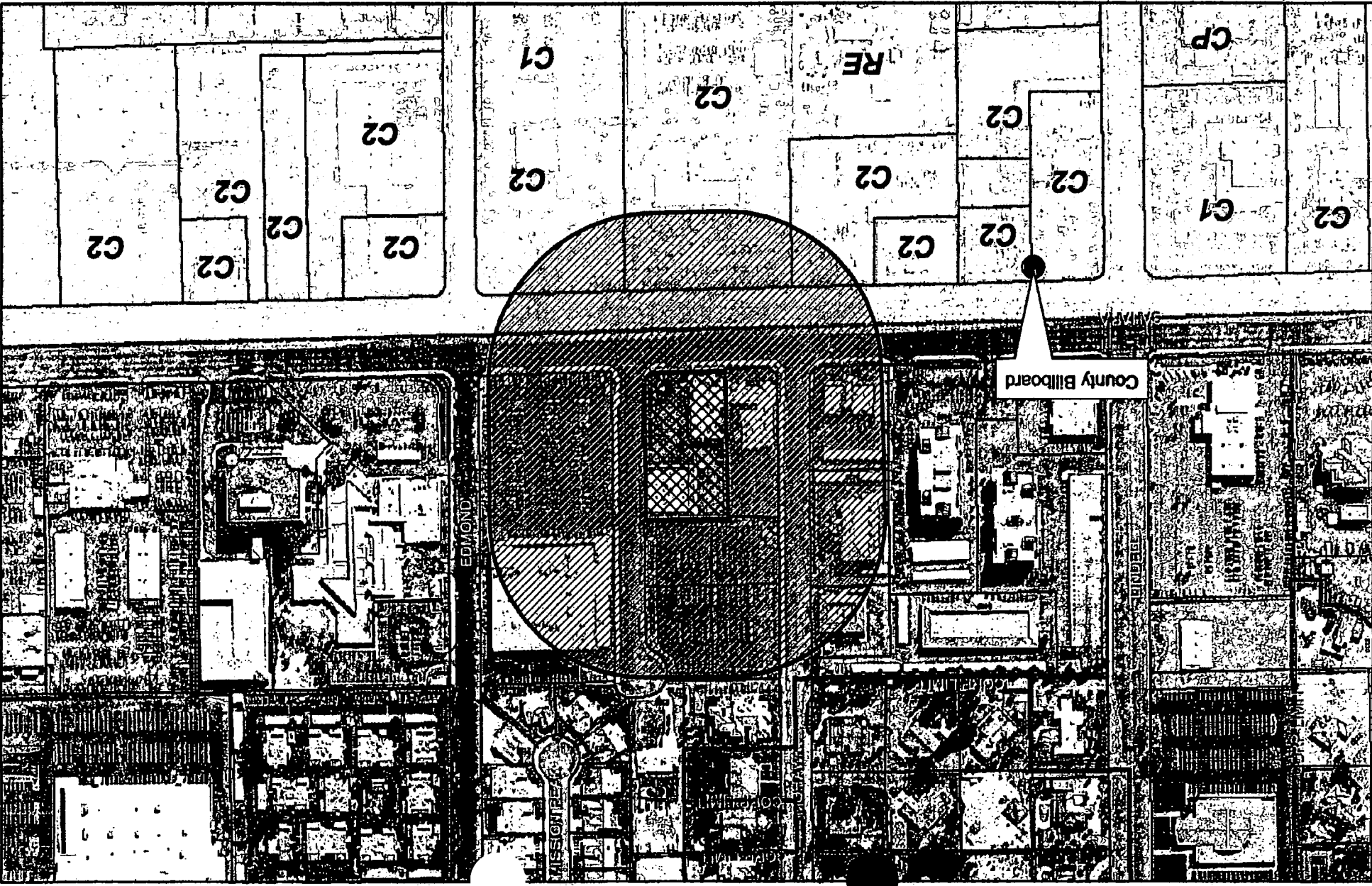
0 100 200 Feet



SUP-3152

City of Las Vegas Billboard Data

- City of Las Vegas Billboard Location
- ⊠ Subject Parcel
- 750 Foot Buffer Around Freeway Billboard
- ⊘ 300 Foot Buffer Around Billboard
- Outside City Boundary
- ▨ Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3152 - REAGAN NATIONAL
ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 5, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL. If Approved, 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-premises 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-premises advertising (billboard) sign be removed.
2. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premises Sign use and other applicable sign requirements.
3. The off-premises advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of trash, weeds and 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-premises advertising (billboard) sign.
4. The off-premises advertising (billboard) sign support pole shall be redesigned to include finish materials to complement the existing on-site buildings.
5. Only one advertising sign is permitted per sign face.
6. The entire face-area of both sides of the off-premises advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
7. If the off-premises advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premises 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.

8. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
9. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

10. The proposed billboard shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an appeal the applicant from the Denial by the Planning Commission of a request for a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premises Advertising (Billboard) Sign at 5300 West Sahara Avenue.

B) Applicant's Justification

The applicant's justification letter indicates the Off-Premises Advertising (Billboard) Sign meets the code requirements and will be erected in such a way that it can be seen by traffic traveling east and west on Sahara Avenue.

BACKGROUND INFORMATION

A) Previous Actions

- 09/15/82 The City Council approved a Rezoning (Z-0032-82) to C-1 (Limited Commercial) on this property. The Planning Commission recommended approval.
- 09/17/86 The City Council denied a Variance (V-80-86) to allow an off-premises sign (billboard and to allow the sign to be 45 feet high where 40 feet is the maximum height allowed on this property.
- 11/20/03 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #38).

B) Pre-Application Meeting

- 09/16/03 The applicant was advised of the requirements of a Special Use Permit and that this applications is considered a project of regional significance and the appropriate forms must be filed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.02

B) Existing Land Use

Subject Property: Commercial
North: Parking Lot
South: Commercial
East: Commercial
West: Commercial

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: O (Office)
South: Unincorporated Clark County
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-D (Single Family Residential- Restricted) under Resolution of Intent to P-R (Professional Office and Parking)
South: Unincorporated Clark County
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southwest Sector Land Use Plan Map of the General Plan. The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

This Special Use Permit is deemed to be a Project of Regional Significance because it is less than 500 feet from the boundary of unincorporated Clark County.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

1) This is a Special Use Permit within 500 feet of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

To date, no comments have been received that would affect this application.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard): Minimum distance separation from "R" zoned property and any other Off-Premises Advertising (Billboard) Sign	300 Feet	No other Off-Premises Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal

This proposed Off-Premise Advertising (Billboard) Sign is located approximately 570 feet from the "R" zoned property to the north and in excess of 300 feet from any other Off-Premises Advertising (Billboard) Sign; it therefore complies nominally with Zoning Code standards.

B) General Analysis and Discussion

- **Zoning**

An Off-Premises Advertising (Billboard) Sign is an allowed use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- **Use**

Title 19 establishes the criteria for the approval of Off-Premises Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premises Advertising Sign to

40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these Code requirements with regards to distance separation. However, the Off-Premises Advertising (Billboard) is proposed directly adjacent to the existing on-premises sign for the commercial development and substantially increases the amount of signage on this small site. Additionally, there are no other billboard signs located along this segment of Sahara Avenue. This proposed billboard would add substantial visual clutter in this area of the City, that not appropriate at this location. Therefore, this use cannot be conducted in a manner that is harmonious and compatible with the surrounding development. If this application is approved, a condition has been added requiring the use be reviewed by the City Council in two years.

FINDINGS

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."**

Although this proposed use is allowed in the SC (Service Commercial) General Plan designation and in the C-1 (Limited Commercial) zoning district, existing on-premise signage is already located along this segment of Sahara Avenue. Approval of this billboard in this context will create an urban landscape that is not harmonious and compatible with the surrounding uses in this area

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

The subject site is located in a commercial area and is adjacent to a major thoroughfare, which is one of the prerequisites to establish its suitability; however, the subject billboard sign is not appropriate along this segment of Sahara Avenue.

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."**

This use does not generate traffic on the proposed site and will not negatively affect the surrounding roadways

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."**

The proposed Off-Premises Advertising (Billboard) Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement

NOTICES MAILED 53 by City Clerk

APPROVALS 0

PROTESTS 1



Case Number: **SUP-3152** APN: 163-01-804-006

Name of Property Owner: OBA Noriko Takada Qualified TR Premier

Name of Applicant: Reagan National Advertising

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

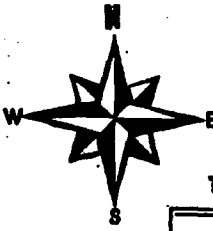
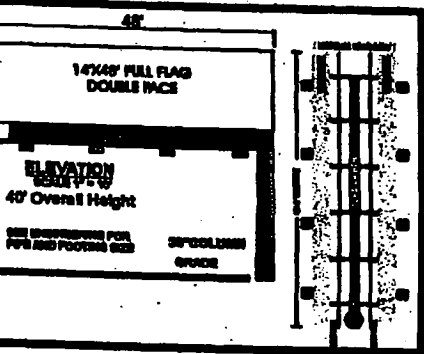
APN: _____

Signature of Property Owner/Authorized Agent:**Print Name:**

Subscribed and sworn before me

This 16th day of Sept., 2003

Notary Public in and for said County and State



APN#16301804004
Zoning (R-D)

156.94'±

285.7'±

259.66'±

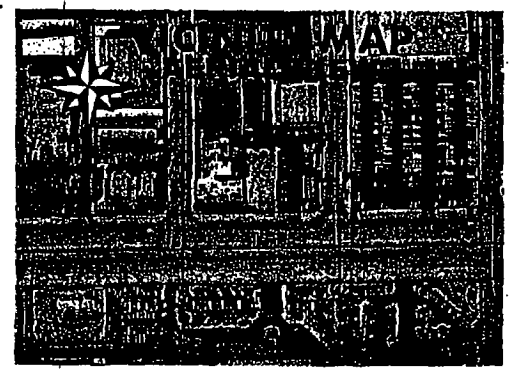
POTOSI

APN#16301804006
Zoning (C-1)
1.02± acres

132.13'±

78'±
SAHARA

SAHARA



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 100 foot of an on-premise sign on adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

TOP VIEW
SCALE 1" = 20'
DETAIL

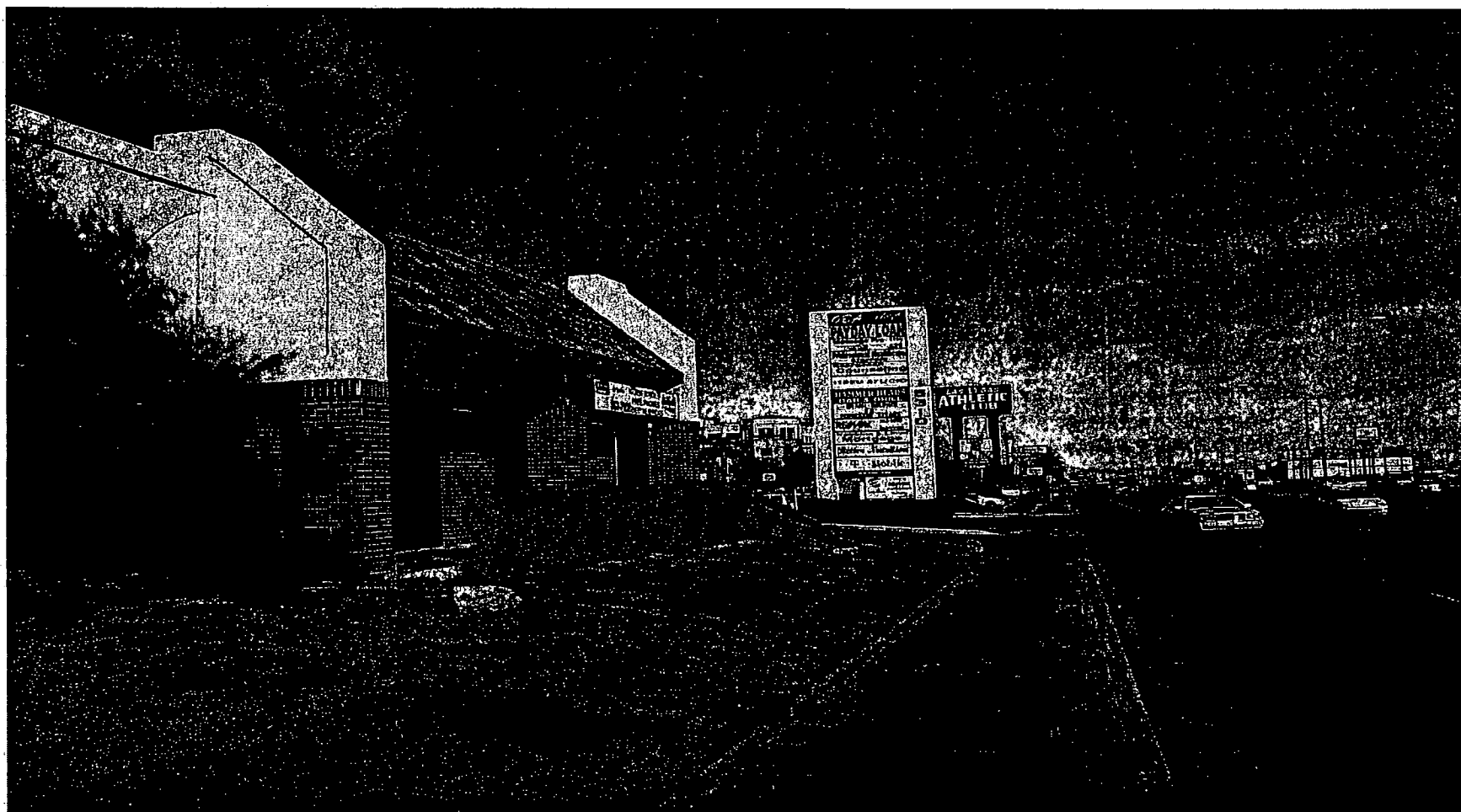
REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

JUNCO

OBA NORIKO TAKADA QUALIFIED TR PREMIER	
SCALE: NOTED	DATE: 7-20-03
LOCATION: 5300 W SAHARA AVE 89146	
APN# 16301804006	210

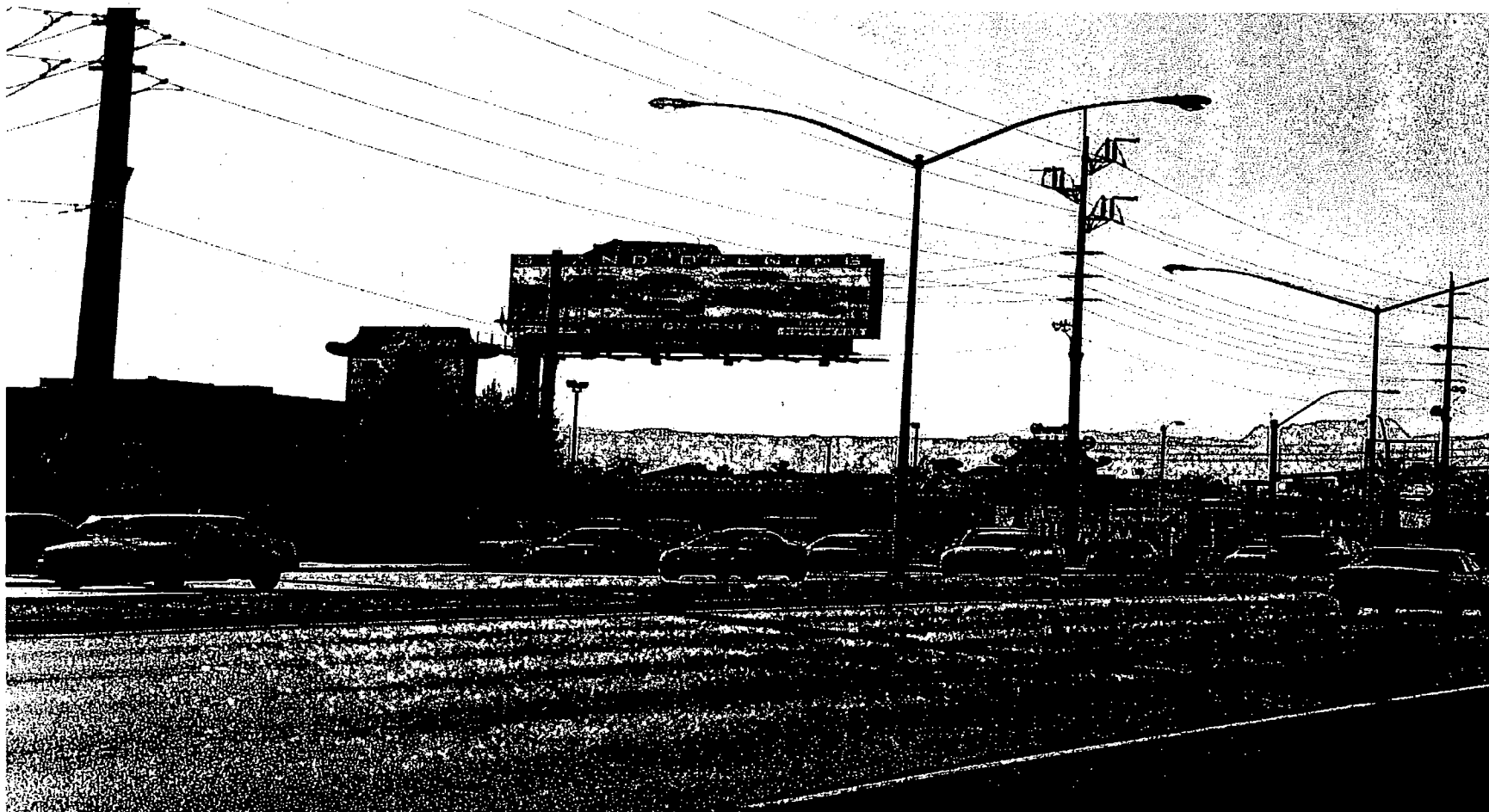
STAFF

SUP-3152
11-20-03 PC



SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED
TRUST
5300 WEST SAHARA AVENUE
NOVEMBER 20, 2003 PLANNING COMMISSION

11/10/03

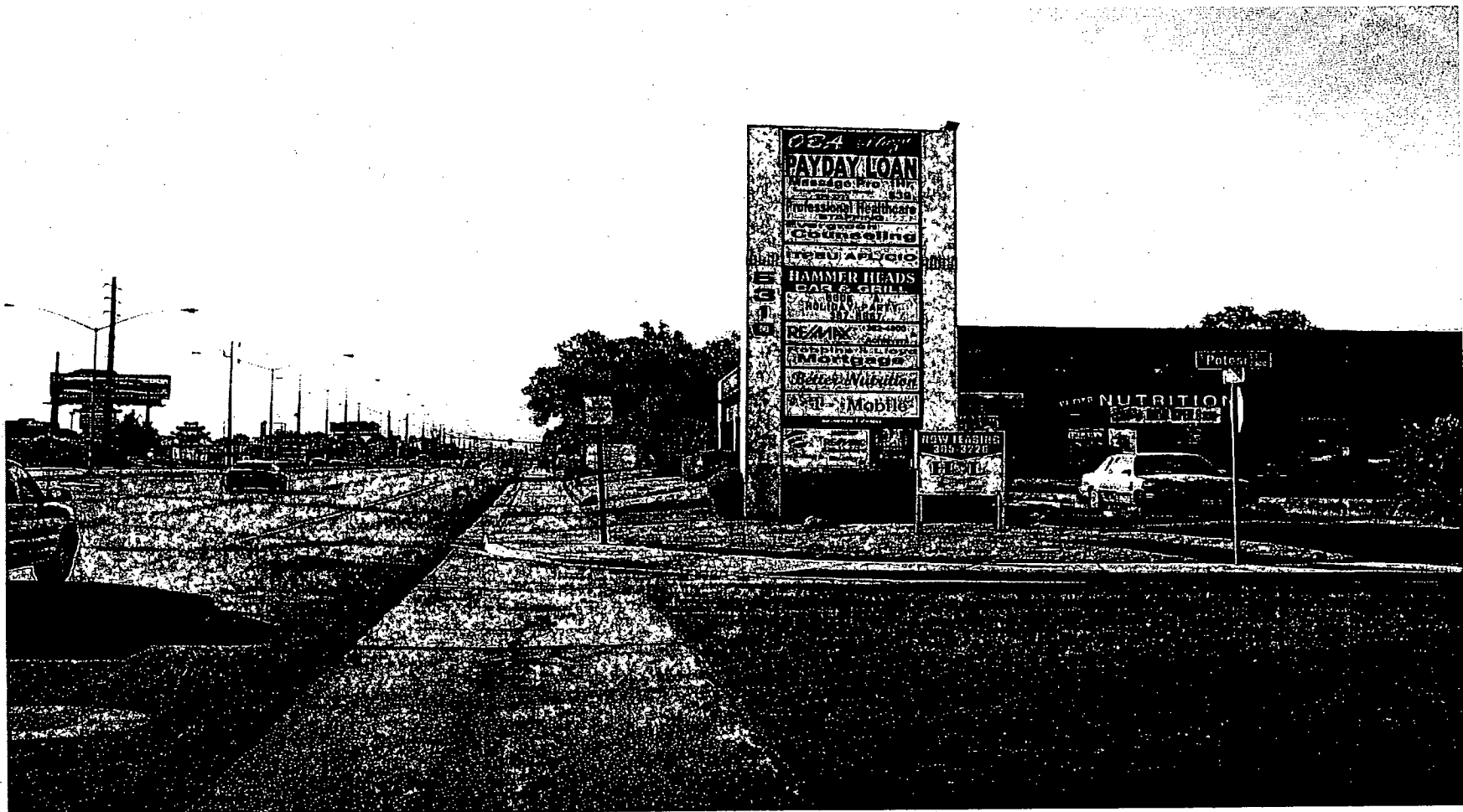


SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST

5300 WEST SAHARA AVENUE

NOVEMBER 20, 2003 PLANNING COMMISSION

11/10/03



SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST
5300 WEST SAHARA AVENUE
NOVEMBER 20, 2003 PLANNING COMMISSION

11/10/03

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6883

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

June 18, 2004

VIA FACSIMILE to 382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Att: Barbara Jo Ronemus
City Clerk's Office

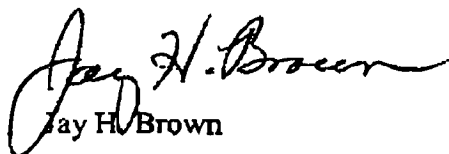
Re: SUP-3152 - Special Use Permit
Reagan National Advertising on behalf of Norika Takado OBA.

Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising in connection with the above entitled matter.

Reagan National Advertising on behalf Norika Takado OBA requests that the above referenced matter be held in abeyance until the July 21, 2004 City Council meeting. This application was held at the May 5, 2004 City Council meeting and originally abeyed until the July 7, 2004 City Council meeting.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Department of Planning & Development, Attn: Shelly by fax to 385-7268
Mr. Dewey Reagan
Mr. Andy Bilanzich

RECEIVED
CITY CLERK
2004 JUN 18 PM 5:15

0AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3972 -
APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: RITA QUAM
FAMILY TRUST - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6750 West Sahara Avenue (APN: 163-02-415-012), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal Letter filed by Singer & Brown
5. Back up referenced from the 4/8/2004 Planning Commission Item 50
6. Submitted at City Council – City Attorney's Office Written Opinion for Mayor Goodman filed under Items 3 and 101

MOTION:

MONCRIEF – DENIED – UNANIMOUS with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies and MACK not voting

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 149 – SUP-3152

MINUTES Continued:

because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

MAYOR PRO-TEM REESE declared the Public Hearing open.

ATTORNEY JAY BROWN, 520 South 4th Street appeared on behalf of the applicant with ANDY BILANZICH, the Real Estate Manager for the applicant. ATTORNEY BROWN indicated the project met Code in every way and there are no waivers being requested. He requested approval.

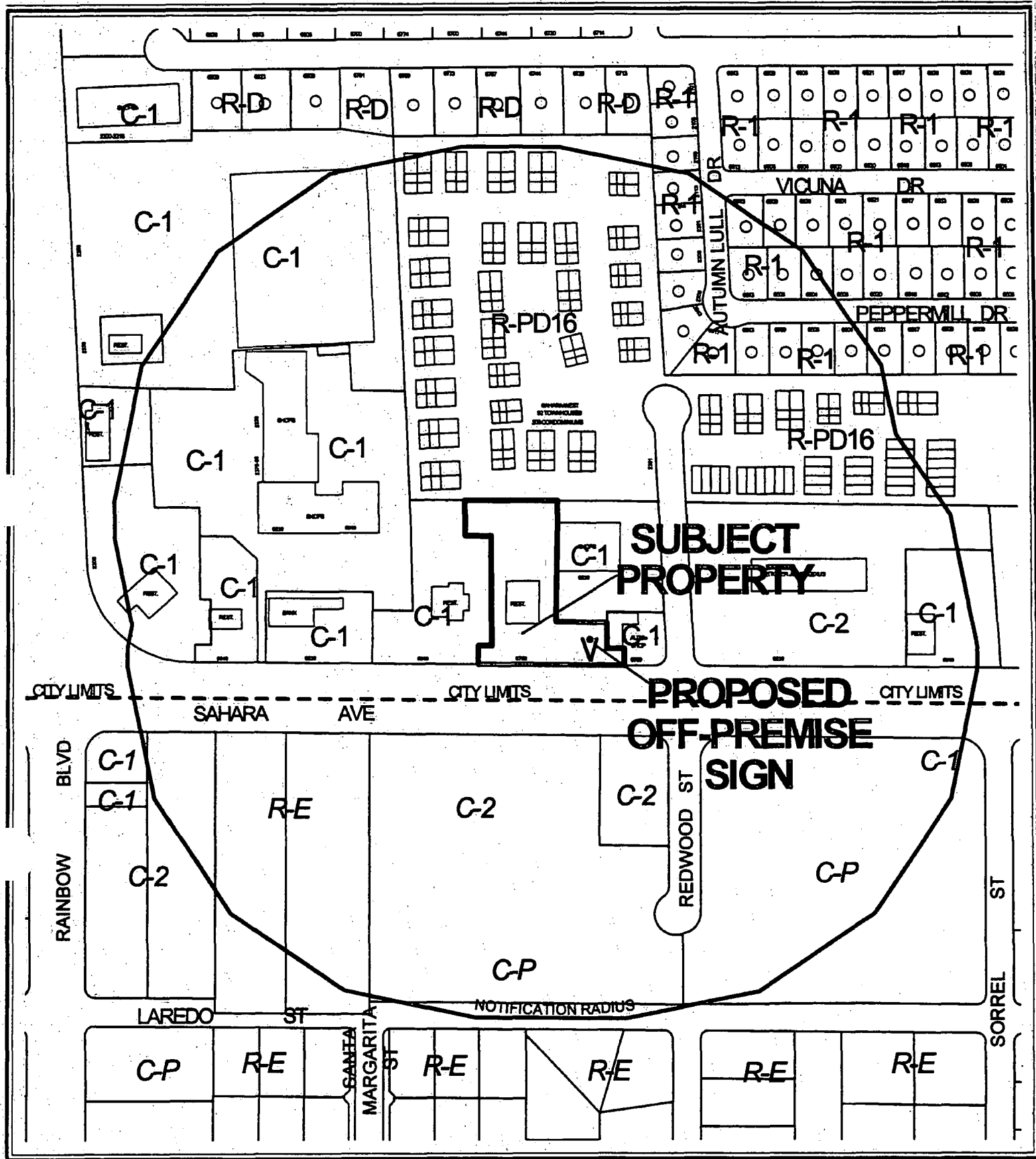
COUNCILWOMAN MONCRIEF stated that in her opinion this area is over saturated.

No one appeared in opposition.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:26 – 4:27)

5-3443

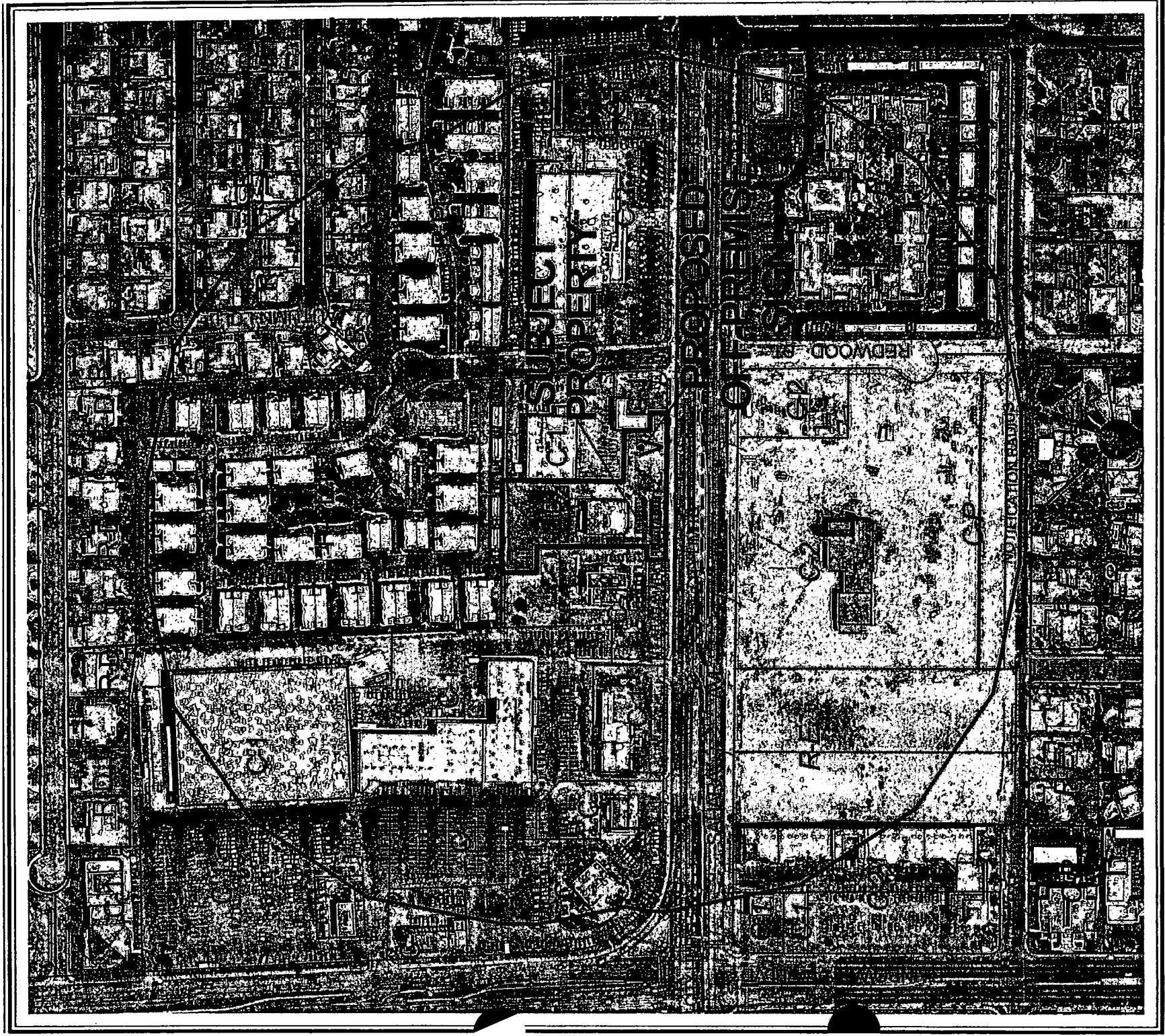


CASE: SUP-3972

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





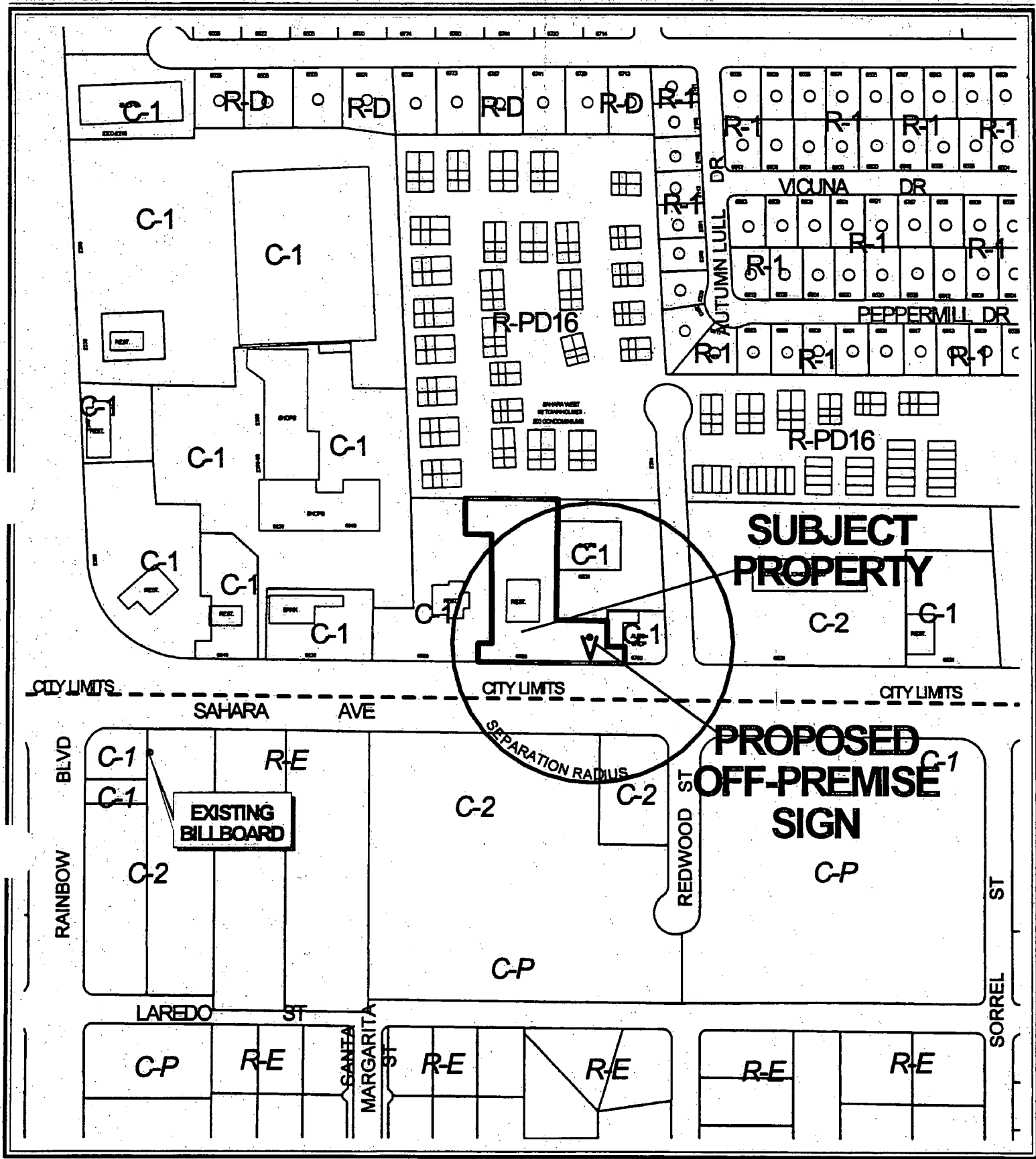
CASE: SUP-3972

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





CASE: SUP-3972

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



SUP-3972

Subject Parcel

City of Las Vegas Billboard Location

Clark County Billboard Location

300 Foot Buffer Around Billboard

750 Foot Buffer Around Freeway Billboard

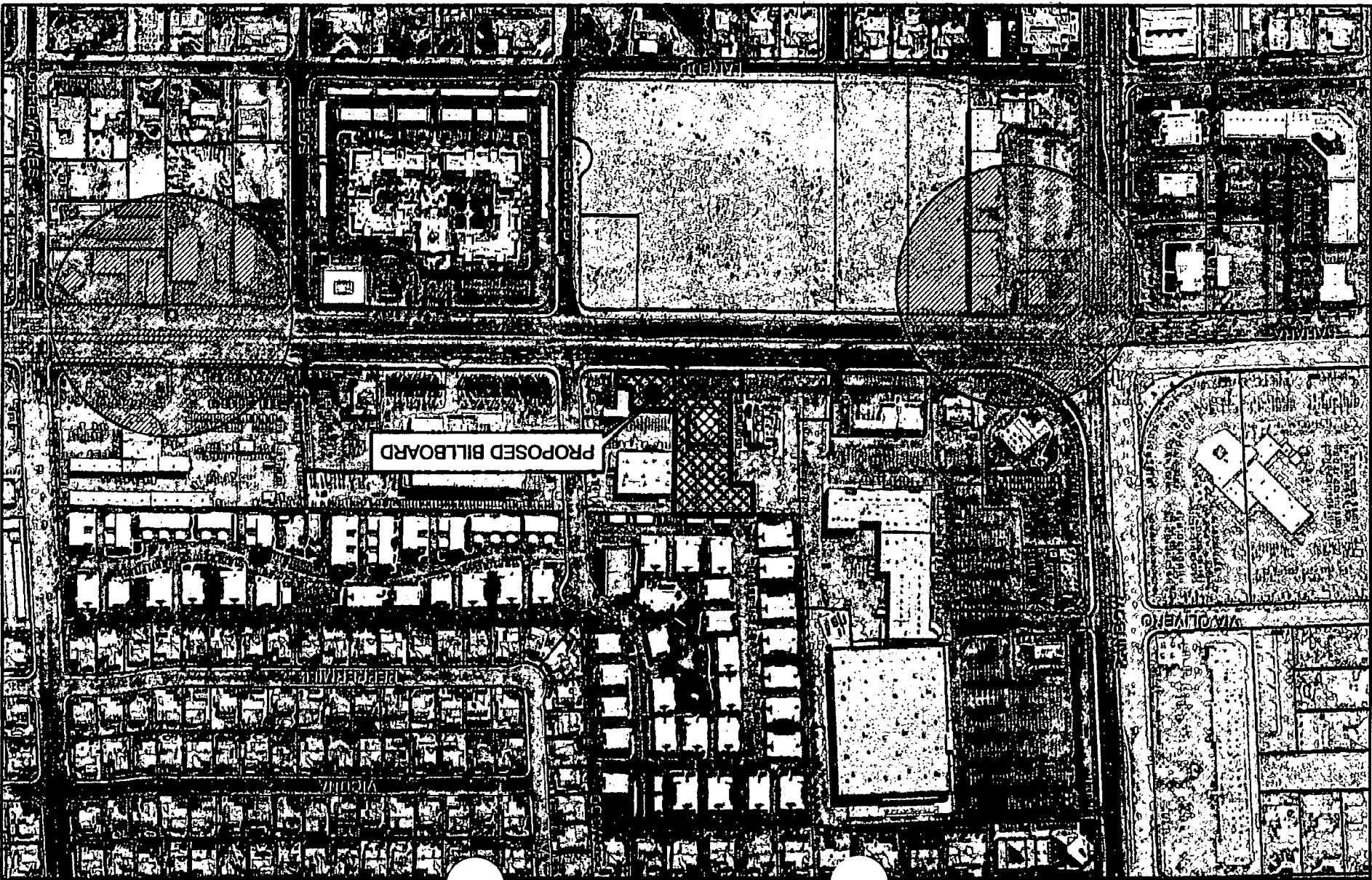
City of Las Vegas Billboard Data

Outside City Boundary

Off Premise Sign Exclusion Area

Exempt - Off Premise Area Sign Area

0 240 480 960 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3972 - APPLICANT: REAGAN
NATIONAL ADVERTISING - OWNER: RITA QUAM FAMILY TRUST**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

The Planning Commission (5-2 vote) recommends DENIAL. Staff 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 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.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign
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. 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.
5. 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.]
6. Only one advertising sign is permitted per sign face.

7. If the existing Off-Premise Advertising (Billboard) 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.
8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit for an Off-Premise (Billboard) Sign located at 6750 West Sahara Avenue.

B) Applicant's Justification

Sahara Avenue is a highly traveled road used by many local people going to and from numerous businesses in the area. Many local businesses will be able to utilize this sign as a cost effective advertising medium.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 07/06/88 | The City Council approved a Zoning Reclassification (Z-0045-88) for this site as a part of a larger request. Staff had recommended approval and the Planning Commission recommended approval on 06/8/88. |
| 04/13/95 | The Planning Commission approved a Plot Plan Review [Z-0045-88(16)] for the existing structure on the subject site. |
| 05/17/95 | The City Council approved a Special Use Permit (U-0045-95) for a Supper Club. The Zoning Board of Adjustment and staff recommended approval on 4/25/95. |
| 04/08/04 | The Planning Commission APPROVED an unrelated Special Use Permit (SUP-3986) for a proposed Supper Club. |
| 04/08/04 | The Planning Commission voted 5-2 to DENY (PC Agenda Item #50/fs) |

B) Pre-Application Meeting

- | | |
|----------|--|
| 02/02/04 | Issues discussed included the location of the sign and the acknowledgement that the project is considered a Project of Regional Significance because of its proximity to Clark County. |
|----------|--|

C) Neighborhood Meetings

A neighborhood meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.50

B) *Existing Land Use*

Subject Property: Vacant Building
 North: Condominiums
 South: Automobile Dealership
 East: Auto Repair / Church
 West: Supper Club

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
 North: M (Medium Density Residential)
 South: Clark County
 East: SC (Service Commercial)
 West: SC (Service Commercial)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
 North: R-PD16 (Residential Planned Development-16 Units per Acre)
 South: C-2 (General Commercial)
 East: C-1 (Limited Commercial)
 West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The subject site designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan designation, and the proposed Off-Premise Sign is a permitted use with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification	X	
Development Impact Notification Assessment		X
Project of Regional Significance	X	

Special Notification

Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

1. Any Special Use Permit within 500' of unincorporated Clark County

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and no significant issues have been identified.

The Planning Commission is to consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Standards	Code Requirement	Provided
Off-Premise Advertising (Billboard) Sign	300 feet from any other billboard or residentially zoned property	No other Off-Premises Advertising (Billboard) Signs or residential properties are within 300 feet of this proposal

The distance of the nearest residentially zoned property is approximately 323 feet to the north, which is in conformance with Title 19 requirements. There are no off-premise signs in the immediate vicinity of the site.

B) General Analysis and Discussion

- Zoning

The C-1 District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial category of the General Plan.

- Use

Title 19 defines an Off-Premise Advertising (Billboard) Sign as any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed. The proposed sign will be located on the eastern portion of the site and will not reduce the amount of existing parking.

- Conditions

There are no waivable conditions of the Special Use Permit for an Off-Premise Advertising (Billboard) Sign. No off-premise sign certificate of any kind can be issued for an existing or proposed sign unless the sign is consistent with all requirements of Title 19.14.100.

FINDINGS

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 sign is located in a predominantly commercial area along Sahara Avenue, and it can be conducted in a manner that is harmonious and compatible with both existing and future land uses.

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

The sign is proposed in a location that is outside of the minimum distance separation requirements between other off-premise signs and residential zones. In addition, minimum setback requirements from the right-of-way and street intersection are also maintained. The subject site is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign.

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.”**

The proposed Off-Premise Advertising (Billboard) Sign will not generate additional vehicular trips or have an impact on traffic in the area.

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.”**

The proposed Off-Premise Advertising (Billboard) Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

PLANNING COMMISSION ACTION

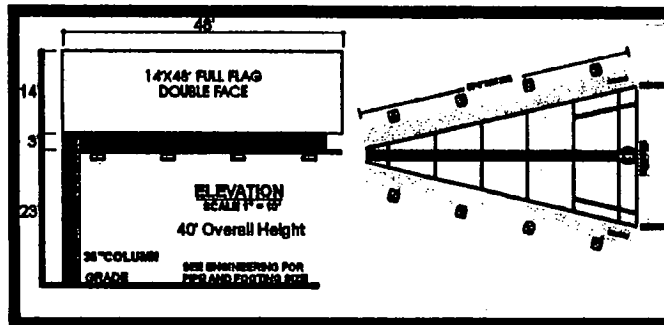
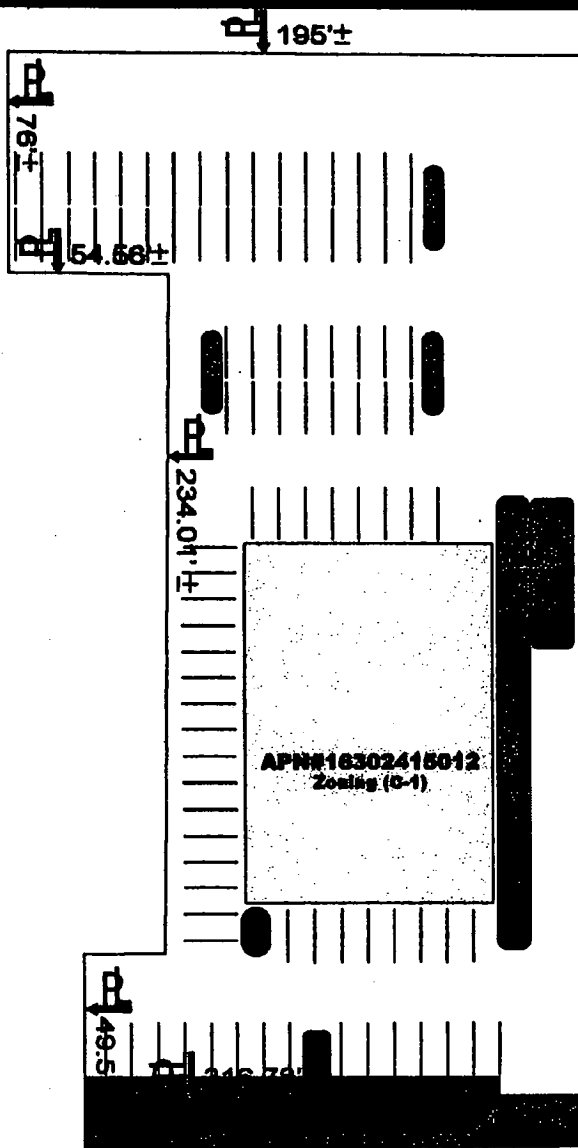
The Planning Commission voted against this item believing the billboard was not compatible with retail development on Sahara Avenue.

NOTICES MAILED 42 by City Clerk

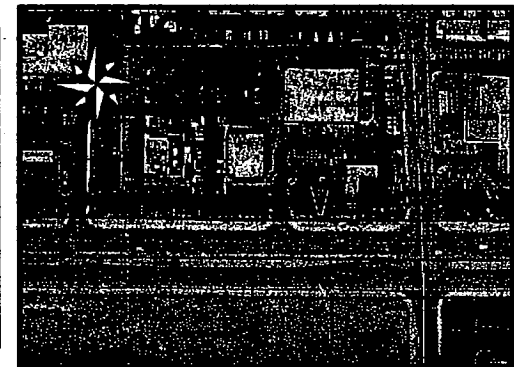
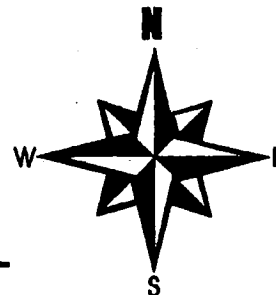
APPROVALS 0

PROTESTS 2





TOP VIEW
SCALE 1" = 20'
DETAIL



GENERAL NOTES

1. Not within 300 foot radius of another off-premise billboard.
2. Not within 100 foot of an on-premise sign on adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

REAGAN
NATIONAL ADV.
ANDY BILANZICH
292-3723

OWNER	
RITA QUAM FAMILY TRUST	
SCALE: NOTED	APPROVED BY: ANDY BILANZICH
DATE: 2-2-04	REVIEW: ANDY BILANZICH
LOCATION: 6750 W SAHARA AVE	
APN# 16302415012	SPACING NUMBER: 311

SUP-3972
04-08-04 PC



SUP-3972 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: RITA QUAM FAMILY TRUST
6750 WEST SAHARA AVENUE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

LAW OFFICES

Singer & Brown

MICHAEL H. SINGER
JAY H. BROWN

A NEVADA LLC

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6523

TELEPHONE (702) 384-5563
FACSIMILE (702) 385 1023
Brownltd@earthlink.net

April 14, 2004

VIA FACSIMILE TO: 382-4803

Ms. Barbara Jo Ronemus
Las Vegas City Clerk
400 E. Stewart Avenue
Las Vegas, NV 89101

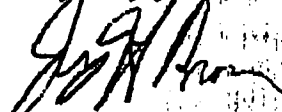
Rc: SUP-3972 Reagan National Advertising on behalf of
Rita Quam

Dear Ms. Ronemus:

Please be advised that I represent Reagan National Advertising on behalf of Rita Quam.
The City Planning Commission denied the above referenced application on April 8, 2004.

The purpose of this letter is to notify you that my client wishes to appeal the denial of the
above referenced application.

Very truly yours,


Jay H. Brown

JHB:cc

Cc: Dcwcy Reagan
Andy Bilanzich

2004 APR 16 A 8:57

RECEIVED
CITY CLERK

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 -
APPLICANT: VINCENT YALDO - OWNER: THOMAS E. PATRICK, LIVING TRUST
- Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-
PREMISE CONSUMPTION) IN CONJUNCTION WITH A PROPOSED CONVENIENCE
STORE at 4921 Vegas Drive (APN: 138-25-502-001), C-1 (Limited Commercial) Zone, Ward 1
(Moncrief). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends
APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL,
subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MONCRIEF - ABEYANCE to 7/21/2004 - UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that a SuperPawn owned by his brother, Steven Mack, is located near this site. Even though he is a consultant for SuperPawn, COUNCILMAN MACK did not believe this matter would have any impact on SuperPawn; therefore, he felt comfortable voting.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ASHLEY HALL, 8063 West Sahara Avenue, Suite 110, appeared with VINCENT YALDO and concurred with the Planning Commission recommendation. He explained that the denial recommendation of the Planning and Development Department is because a church is within 350 feet of the proposed convenience store.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 150 – SUP-4137

MINUTES Continued:

VINCENT YALDO, 5869 Sleepy Fawn Drive, informed the Council that when his family establishes a business within a community, they support the community by sponsoring local sport teams, etc. He has invested time, research and money in this project, and during that time, there was no indication from City staff that a conflicted use existed. MR. YALDO showed the first meeting attendance sheet he received from City staff, which indicated in writing that there were no protected uses within four hundred feet. MAYOR GOODMAN confirmed that a City employee wrote the notes.

MR. YALDO emphasized that he had concerns about a daycare being in the area and was told again by staff that there were no conflicting uses. He pointed out that his project conforms to all City requirements and that the elevation and detailed site plans are completed as requested by COMMISSIONER MCSWAIN at the Planning Commission.

DEPUTY CITY ATTORNEY BRYAN SCOTT clarified for MAYOR GOODMAN that it is incumbent upon the applicant to be aware of such issues and that City staff was unable to determine a conflict because churches are not required to be licensed. He stated there is no waiver that would allow a liquor license to be granted within 400 feet of a protected use in this situation. MR. HALL explained the sequence of events that took place that verified an alleged church exists and yet no occupancy permit existed. DEPUTY CITY ATTORNEY SCOTT pointed out that MR. YALDO is able to continue with his plans of opening the store; however, without liquor.

MAYOR GOODMAN indicated that not being able to grant a waiver in situations such as MR. YALDO's because the law is so rigid is very disturbing. He suggested that perhaps COUNCILMAN REESE could look into these types of situations and find a way to give the Council some discretion in granting waivers to be more equitable when the situation calls for it.

MR. HALL questioned the church not having an occupancy permit. MR. YALDO indicated the church is very small and he was not aware of its existence for some time. Upon learning of its existence, MR. YALDO had the church investigated, and he was told there were never more than five to seven individuals seen entering the church, even on Sunday. MR. YALDO also went to the Planning and Development Department and learned they do not have an occupancy permit in their name.

MAYOR GOODMAN questioned who designated the establishment a church. MR. HALL replied that Planning and Development staff indicated there was a church within a 380 to 390 foot distance. After hearing so, MR. HALL drove the site and said there is a sign referencing a fellowship, but not a church. DEPUTY CITY ATTORNEY SCOTT read the definition of a church or house of worship under Title 19.20, which clarified that the building in question could be functioning as a church. MAYOR GOODMAN again questioned who designated the establishment as a church and added that until convinced, he would not be able to vote against

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 150 – SUP-4137

MINUTES Continued:

the item. COUNCILWOMAN MONCRIEF confirmed with DEPUTY CITY ATTORNEY SCOTT that there is no waiver Council could grant that would allow the license to be permitted. She expressed her encouragement to MR. YALDO to open without the liquor license in hope that the fellowship would not remain very long. She stated the proposed project would beautify the area. MAYOR GOODMAN suggested to abey for two weeks allowing staff time to determine the exact status of the church. He told MR. YALDO that his project would be a wonderful product for the area and advised MR. HALL to take the two weeks abeyance time to do research to backup his client's position.

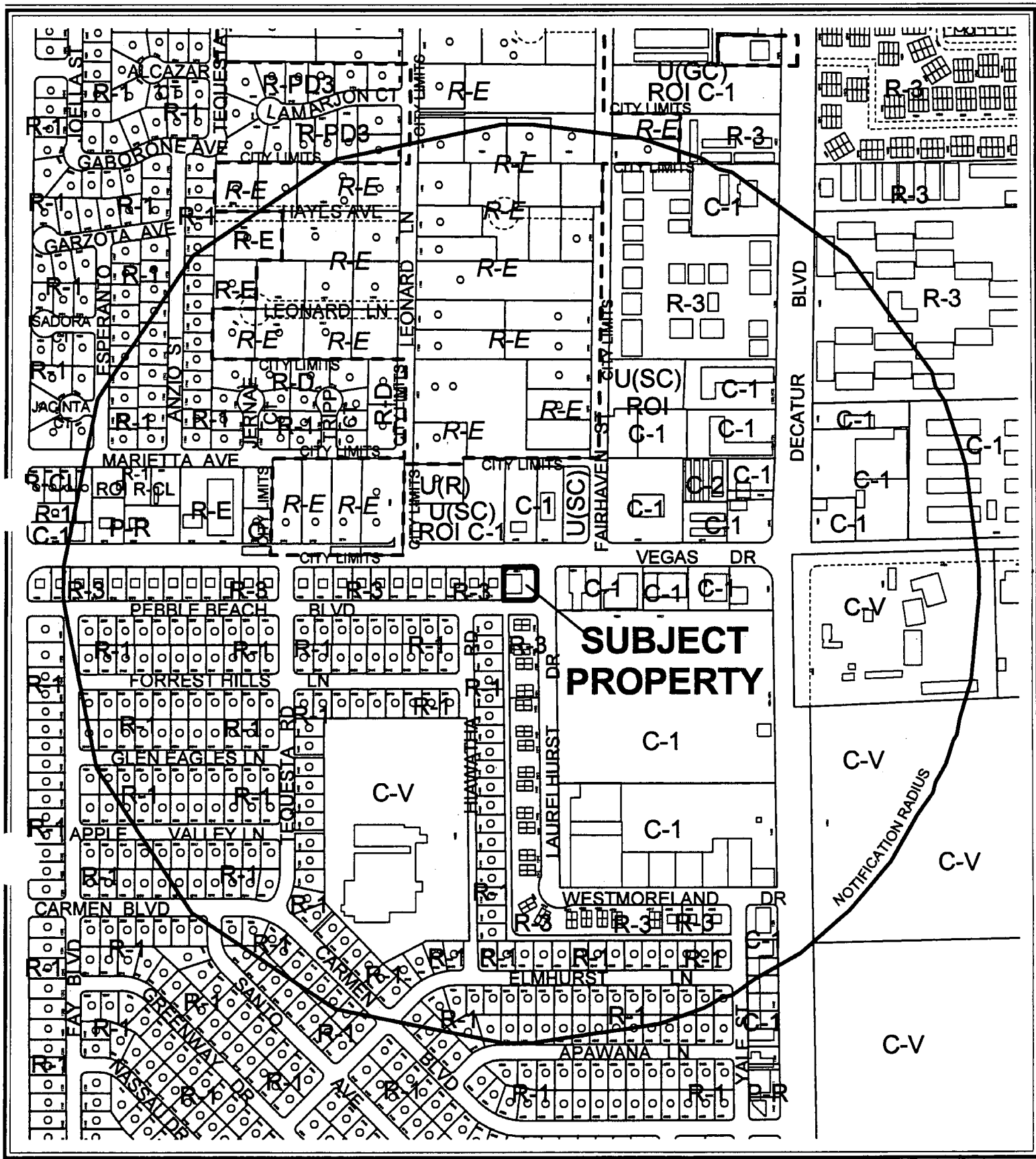
COUNCILMAN REESE clarified with ROBERT GENZER, Director, Planning and Development, that the measurements are made from property line to property line. MR. YALDO indicated that if measured from door to door, the distance is 557 feet.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:27 – 4:42)

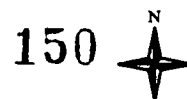
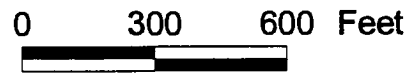
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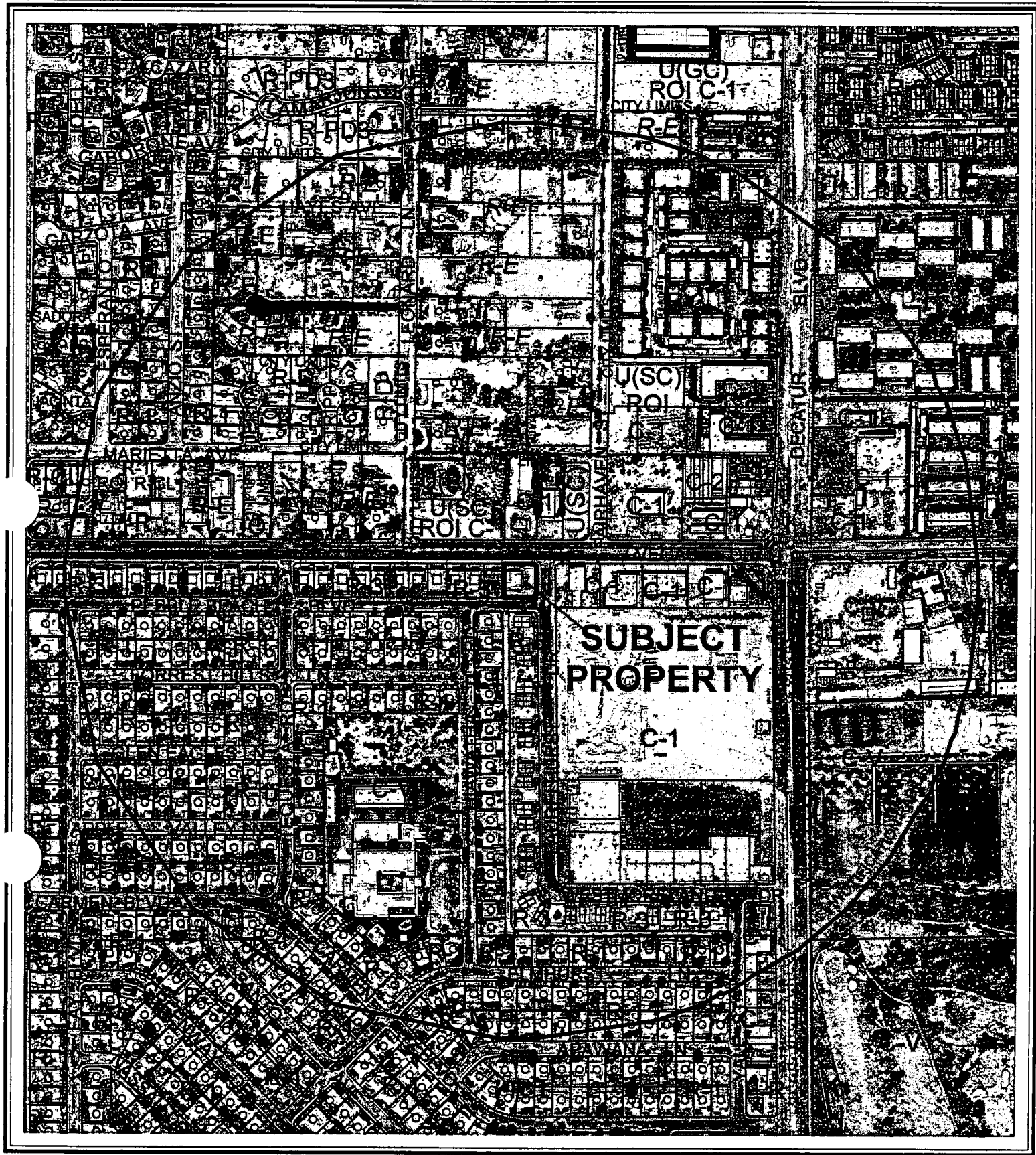


CASE: SUP-4137

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





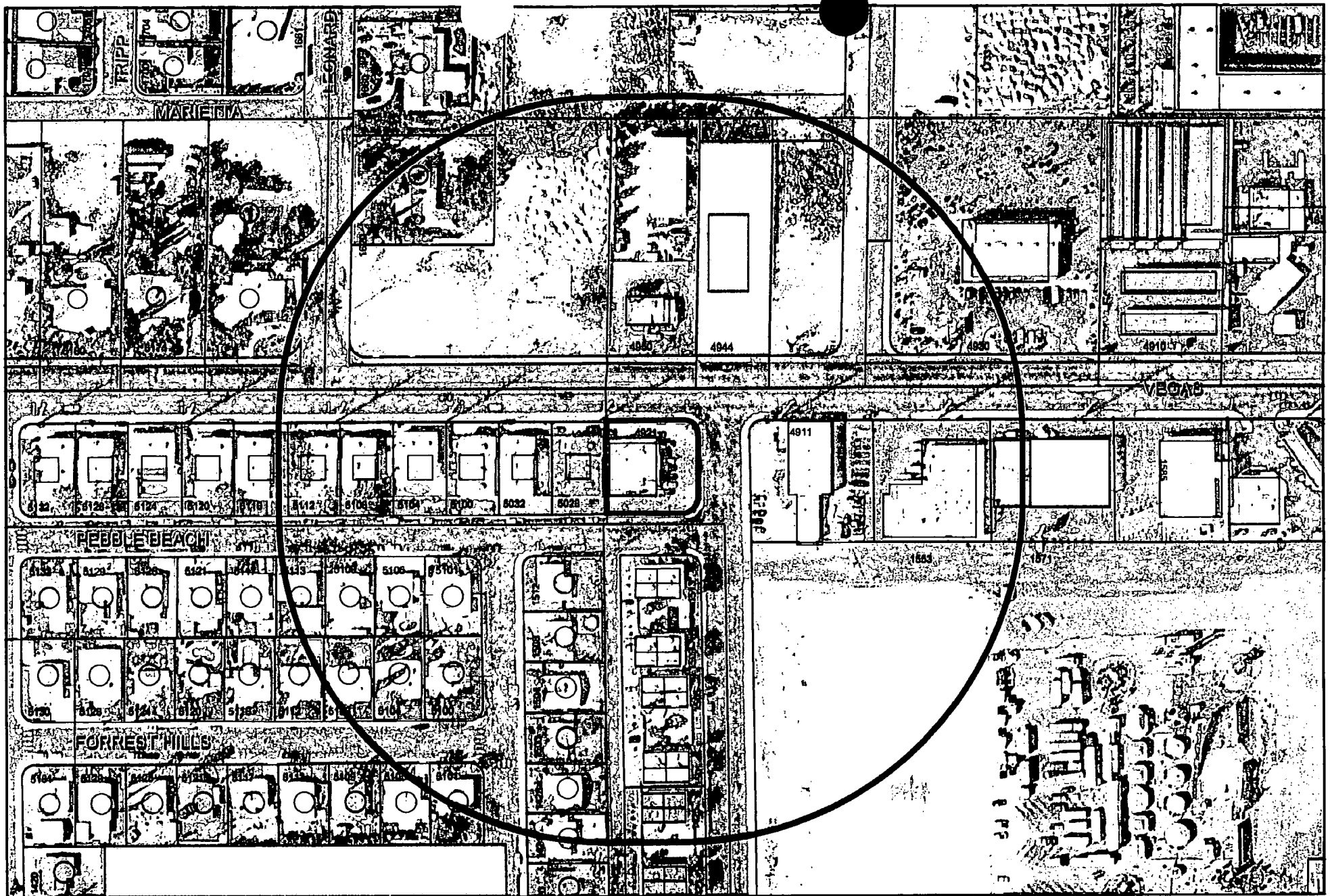
CASE: SUP-4137

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 300 600 Feet





SUP-4137 Package Liquor Sales

Business Licenses

- Package Liquor Sales
- Tavern
- Supper Club/
Restaurant Service Bar

- Schools
- Religious

- Subject Property
- 400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4137 - APPLICANT: VINCENT YALDO - OWNER: THOMAS E. PATRICK, LIVING TRUST

THIS ITEM WAS HELD IN ABEYANCE AT THE JUNE 16, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Off-Premise Consumption) use.
2. Expiration of this Special Use Permit one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Conformance with all City Code requirements and design standards of all City departments.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This application being restricted to the sale of beer and wine only.
6. Prohibition of the sale of individual containers of any size of beer, wine coolers or screw cap wine containers. All such products shall remain in their original configurations as shipped by the manufacturer. No repackaging of containers into groups smaller than the original shipping container size shall be permitted. The portion of the structure dedicated to the sale of beer and wine shall be limited to a maximum of 5% of the total floor area.
7. Operation of this business being absolutely in conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.
8. No seating if permitted on-site.
9. Submittal of a detailed site plan that illustrates compliance with the parking requirements and a dedicated landscaping plan that provides onsite amenities acceptable to the Department prior to City Council approval.
10. The Special Use Permit shall be subject to a one-year review at a public hearing.

**** STAFF REPORT ****

APPLICATION REQUEST:

A) Action Requested

This is a request for a Special Use Permit for a proposed Liquor Establishment (Off-Premise Consumption) at 4921 Vegas Drive.

B) Applicant's Justification

The applicant has submitted a letter with this application, stating:

This business will cater to local customers, primarily within walking distance from the store. Deli sandwiches are an essential element to the business as well; we will carry a small delicatessen for carryout, along with basic fruits and vegetables, we will also a line of groceries at low competitive prices. With regards to selling beer and wine, my interest in obtaining a special use permit to sell beer/wine for off premises consumption is to have this convenience available to the consumer. Needless to say, I would also like to mention that I have full knowledge and comprehension of the enforced laws, rules, and regulations that govern this type of license and will adhere to them obediently if given the opportunity.

BACKGROUND INFORMATION:

A) Previous Actions

- 11/22/61 The Board of City Commissioners approved a Rezoning request (Z-0054-61) to rezone the subject property from an R-1 (Single-Family Residence) zone to an R-3 (Limited Multiple Residence) zone.
- 09/11/63 The Board of City Commissioners approved a Rezoning request (Z-0113-63) to rezone the subject property from an R-3 (Limited Multiple Residence) zone to a C-1 (Limited Commercial) zone.
- 05/13/04 The Planning Commission voted 5-2 to recommend APPROVAL (PC Agenda Item #47).

B) Pre-Application Meeting

- 03/10/04 Submittal requirements for a Special Use Permit application were discussed, namely the need for the addition of a vicinity map to the site plan, the deed to the property, a signed application, a Project of Regional Significance questionnaire, and 10 total parking spaces. A day care center that did exist across the street is no longer in existence. There would be no seating in conjunction with the establishment.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application and one was not held.

DETAILS OF APPLICATION REQUEST:

A) Site Area

Net Acres: 0.30

B) Existing Land Use

Subject Property: Retail commercial

North: Across Vegas Drive, single-family residential

South: Across Pebble Beach Boulevard, multi-family residential

East: Across Laurelhurst Drive, retail commercial

West: Duplexes

C) Planned Land Use

Subject Property: M (Medium Density Residential)

North: Across Vegas Drive, SC (Service Commercial)

South: Across Pebble Beach Boulevard, M (Medium Density Residential)

East: Across Laurelhurst Drive, SC (Service Commercial)

West: M (Medium Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)

North: Across Vegas Drive, R-3 (Limited Multiple Residence)

South: Across Pebble Beach Boulevard, R-3 (Limited Multiple Residence)

East: Across Laurelhurst Drive, C-1 (Limited Commercial)

West: R-3 (Limited Multiple Residence)

E) General Plan Compliance

The subject property is designated M (Medium Density Residential) in the General Plan. The existing zoning, however, is C-1 (Limited Commercial), which is inconsistent with the General Plan. The zoning has been noncompliant with the General Plan since 1963, when the property was originally rezoned to a commercial classification. A number of different commercial uses have existed on the property since that time.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

The proposed convenience store with or without liquor sales continues the commercial use of this property. Consequently, the City should take the initiative to amend the General Plan during then next General Plan cycle to a land use classification consistent with the existing zoning. (The subject property could alternatively be rezoned to a district consistent with the land use classification, but any commercial use of the property would then be made nonconforming.)

No special districts, zones, or studies are related to the subject property. However, the property is within 500 feet of the city limits of North Las Vegas, which for a special use is a Project of Regional Significance. To date, no comments have been received from North Las Vegas officials.

ANALYSIS:

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The 2,400 square-foot retail establishment is required to have 10 parking spaces. A total of 10 spaces are shown on the site plan, although there is some question whether the parking space configuration will fit within the physical dimensions of the lot.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (Off-premise)	Shall not be located within 400 feet of any church, synagogue, school, child care facility, or City park	Greater than 400 feet from protected uses

Title 19.04.050 requires that a Liquor Establishment (Off-Premise Consumption) be a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or a City park. None of these protected uses are within this 400-foot radius.

B) General Analysis and Discussion

- **Zoning**

The Liquor Establishment (Off-Premise Consumption) use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city. The Code requires this Liquor Establishment (Off-Premise Consumption) use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or city park as measured from property line to property line. In this case, there are no protected uses within the required minimum 400-foot distance separation radius.

The use would be located in the immediate vicinity of multi-family and single-family dwellings to the south and west of the property. The staff has concerns about the proximity of a liquor establishment so close to residences. For this reason, it is recommended that the application be denied.

- Conditions

The following conditions are stipulated for the Liquor Establishment (Off-Premise Consumption) use within a C-1 zoning district. The conditions with asterisks are non-waivable:

- * 1. Except as otherwise provided in this Chapter, no liquor establishment (on-sale/off-sale/on-off-sale) use (hereinafter "liquor establishment") shall be located within four hundred feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or city park.
- * 2. Except as otherwise provided in Subsection (3) below, the distances referred to in Subsection 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection 1.
- * 3. In the case of a liquor establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the liquor establishment will be located, without regard to intervening obstacles; or

- b. In the case of a proposed liquor establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for a liquor establishment which also requires a waiver of the distance limitation in Subsection 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- 5. The minimum distance requirements in Subsection (1) do not apply to:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.
- * 6. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
- 7. The minimum distance requirements set forth in Subsection (1), which are otherwise non-waivable under the provisions of this subdivision, may be waived:
 - a. In accordance with the provisions of Subsection 19.040.050(A)(4) for any liquor establishment, which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any liquor establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or
 - c. In connection with a proposed retail establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10% of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
 - d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

The application as proposed appears to meet all the applicable conditions of Title 19.04.050.

FINDINGS:

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 Liquor Establishment (Off-Premise Consumption) use is located in the immediate vicinity of existing residential developments to the west and south. Severe incompatibility issues arise with the convergence of these types of land uses. Consequently, it is recommended that the special use permit be denied.

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

The subject site is barely suitable for the type and intensity of land use proposed, as the entire site would be consumed by the required amount of parking. Without a detailed site plan, it is questionable whether the required number of spaces will fit on the lot.

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 is proposed from Vegas Drive, Laurelhurst Drive and Pebble Beach Boulevard. According to the Master Plan of Streets and Highways, Vegas Drive is identified as a Secondary Collector street with an 80-foot wide right-of-way. Adequate access would be provided.

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.”**

The proposed Liquor Establishment (Off-Premise Consumption) will be an accessory use to the proposed grocery store on this site that will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

PLANNING COMMISSION ACTION

A majority of the Planning Commission members believed the use could be conditioned to adequately address all concerns. Conditions # 6 & 9 were modified as show and Condition #10 added.

NOTICES MAILED: 370 by City Clerk

APPROVALS: 0

PROTESTS: 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4137 APN: 138-25-502-001

Name of Property Owner: Thomas PATRICK

Name of Applicant: VINCENT N. VALDO

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

No.

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

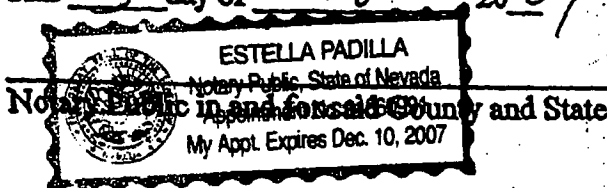
APN: _____

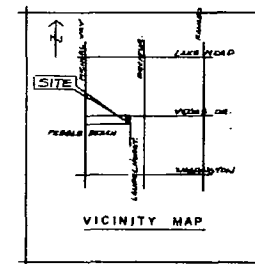
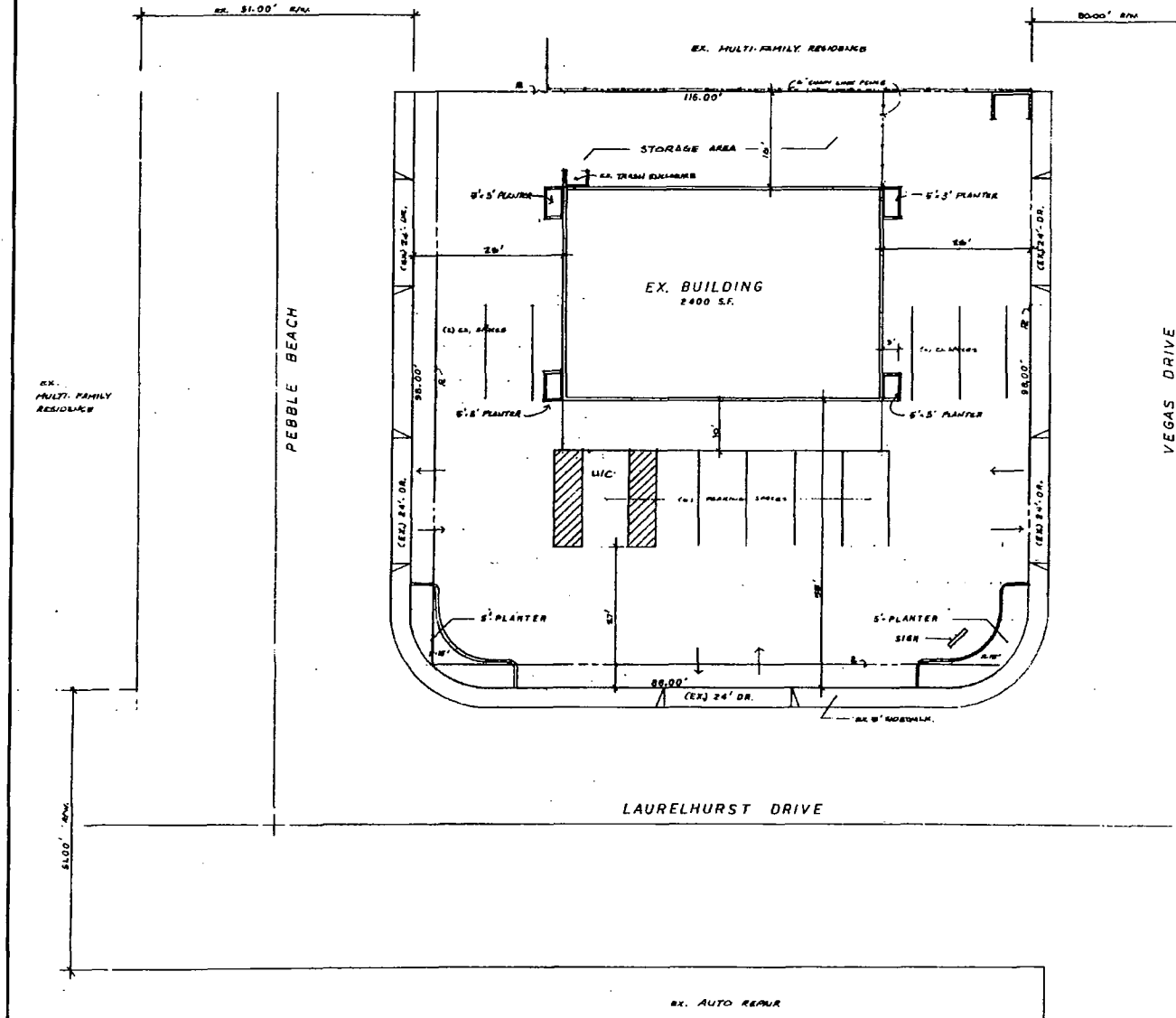
Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 3 day of 18 2004





NE 1/4, NE 1/4, SEC. 25
R-60-E T-20-S

APN.
LOT SIZE. 13100 SQ. FT.
BUILDING SIZE. 2400 SQ. FT.
PARKING:
(19) SPACES (9' x 18')
(1) H/C SPACE

SITE PLAN

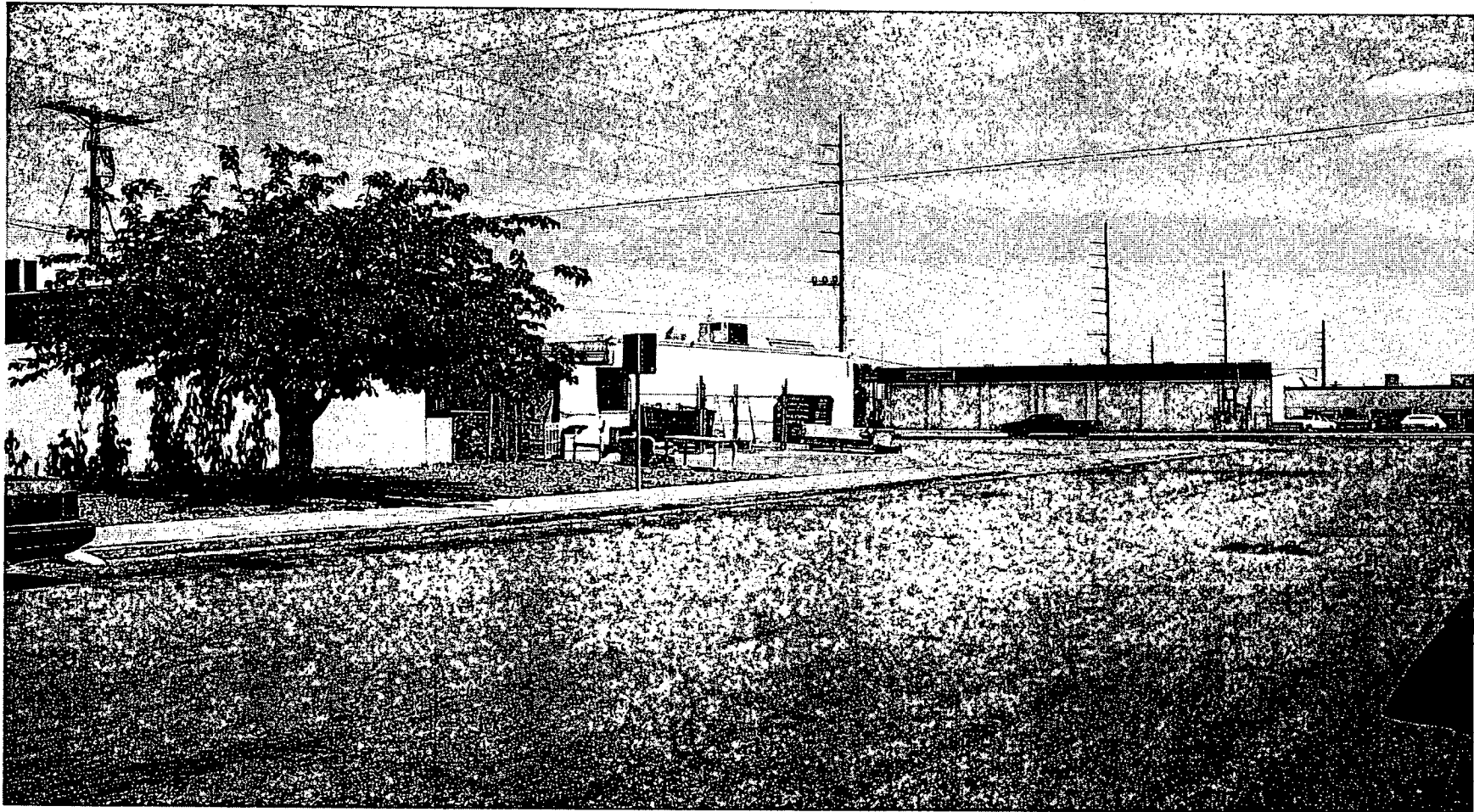
VINCENT VALEDO
4921 LAURELHURST DR.
LV, NV.

Date	
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Sheet	51
Of	50

SUP-4137
6-16-04 CC

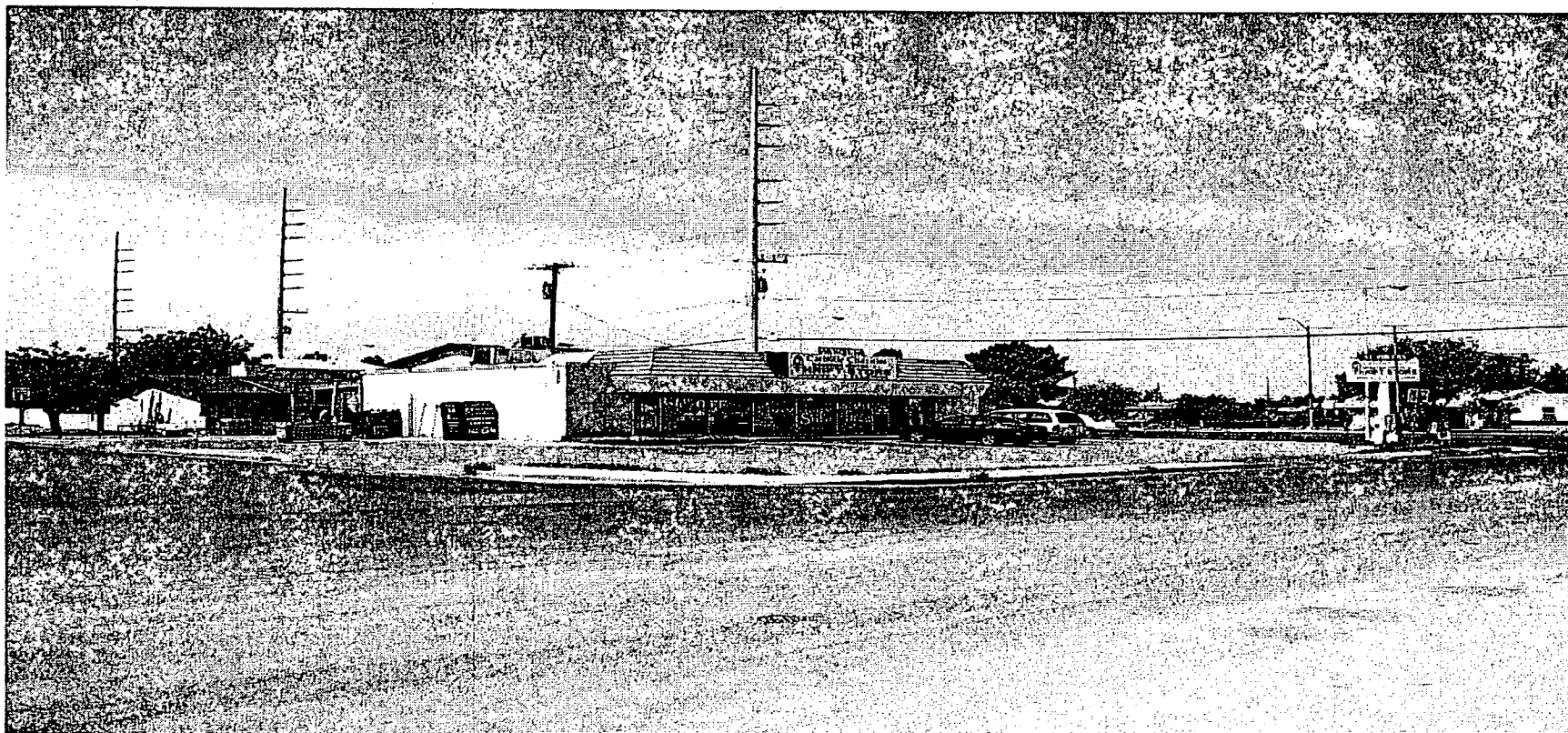
REVISED

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6-15-04



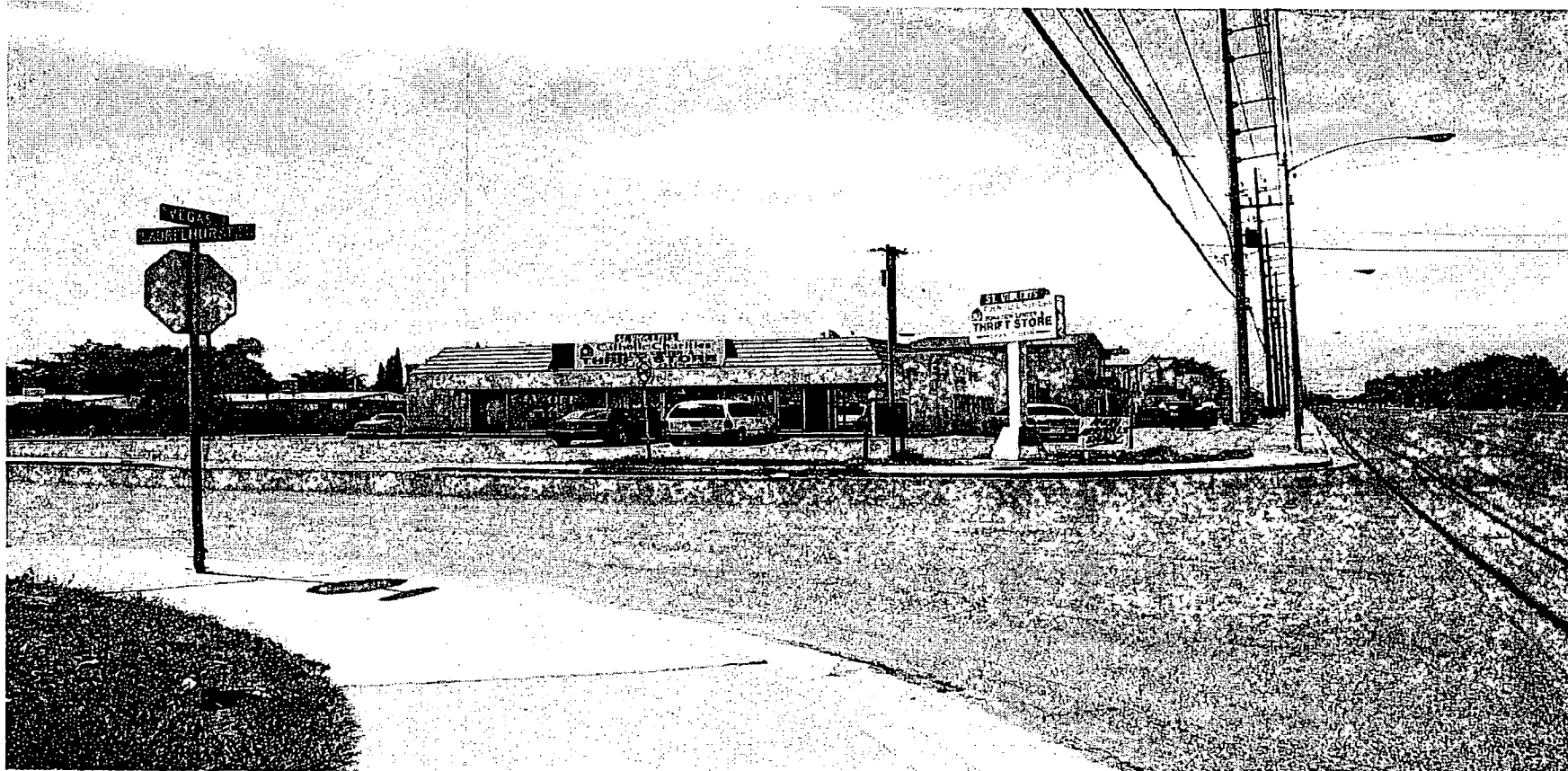
SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO -
OWNER: THOMAS E. PATRICK, LIVING TRUST
4921 VEGAS DRIVE
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO -
OWNER: THOMAS E. PATRICK, LIVING TRUST
4921 VEGAS DRIVE
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO -
OWNER: THOMAS E. PATRICK, LIVING TRUST
4921 VEGAS DRIVE
MAY 13, 2003 PLANNING COMMISSION

4/19/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4169 -
APPLICANT: LAS VEGAS BILLBOARDS - **OWNER: MARK P. MILFORD AND LORILYN MILFORD TRUST** - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1615 North Decatur Boulevard (APN: 138-24-804-013), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by LAS Consulting, Inc.
5. Submitted at City Council – City Attorney's Office Written Opinions filed under Items 3 and 101

MOTION:

WEEKLY – APPROVED subject to conditions and deleting Conditions 2, 4 and 5 – **UNANIMOUS** with GOODMAN abstaining because members of his law firm are involved in negotiations with billboard companies

NOTE: COUNCILMAN MACK disclosed that a SuperPawn owned by his brother, Steven Mack, is located near this site. Even though he is a consultant for SuperPawn, COUNCILMAN MACK did not believe this matter would have any impact on SuperPawn; therefore, he felt comfortable voting.

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239],

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 151 – SUP-4169

MINUTES Continued:

Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

MAYOR PRO TEM REESE declared the Public Hearing open.

ATTORNEY JAY BROWN, 520 South 4th Street appeared with the applicant's consultant LUCY STEWART, on behalf of the applicant. He emphasized that the project meets code in every way, no waivers are being requested and that staff has recommended approval. MAYOR PRO-TEM REESE pointed out that the Planning Commission recommended denial.

WOODROW WAGNER, 240 Kipling Street, expressed concern about a sign being placed at this location. He described the locations of power poles, streetlights and phone lines located in the area of Vegas Drive and Decatur Boulevard. He indicated the entire area needs to be revitalized and allowing more billboards is not going to help. MR. WAGNER operates a business on Meadows Lane and he is very pleased with the aesthetics of that street. He feels adding billboard signs to the area would diminish it. He informed Council that the County has temporarily banned signs in unincorporated parts of the County and he thinks that action is forcing the billboard companies to apply for more spaces within the City. COUNCILMAN REESE commented that the County makes a lot of money off of billboards.

ROBERT GENZER, Director, Planning and Development Department, informed COUNCILMAN WEEKLY that Conditions 2, 4 and 5 should be deleted. Condition 2 applies to an existing board and Condition 4 and Condition 5 repeat Condition 3.

MAYOR PRO-TEM REESE declared the Public Hearing closed.

(4:42 – 4:48)

6-230

CONDITIONS:

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 be removed.

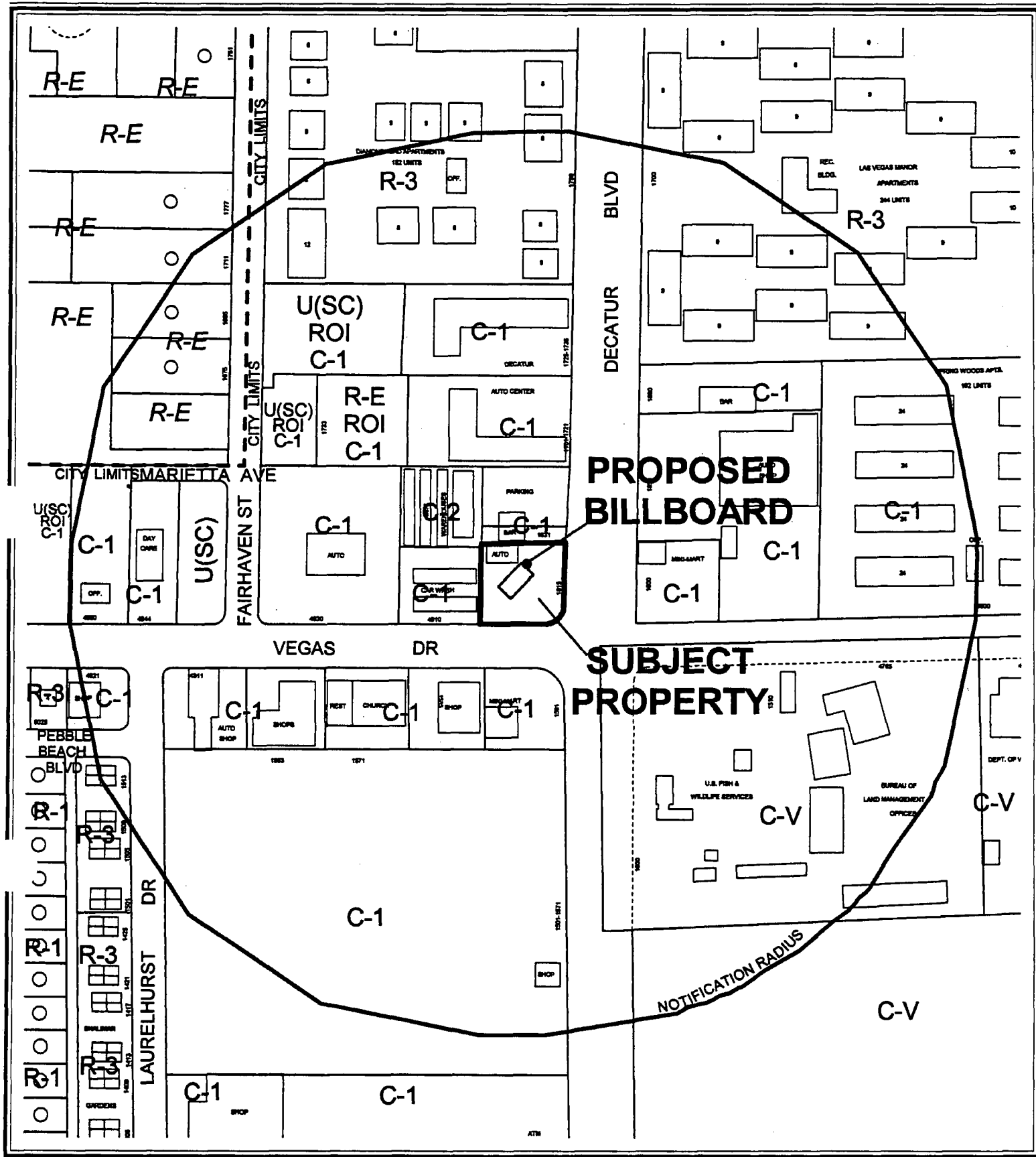
CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 151 – SUP-4169

CONDITIONS Continued:

2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
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. 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.
5. 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 Advertising (Billboard) Sign.
6. Only one advertising sign is permitted per sign face.
7. If the existing 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.
8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed Off-premise Advertising (Billboard) Sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: SUP-4169

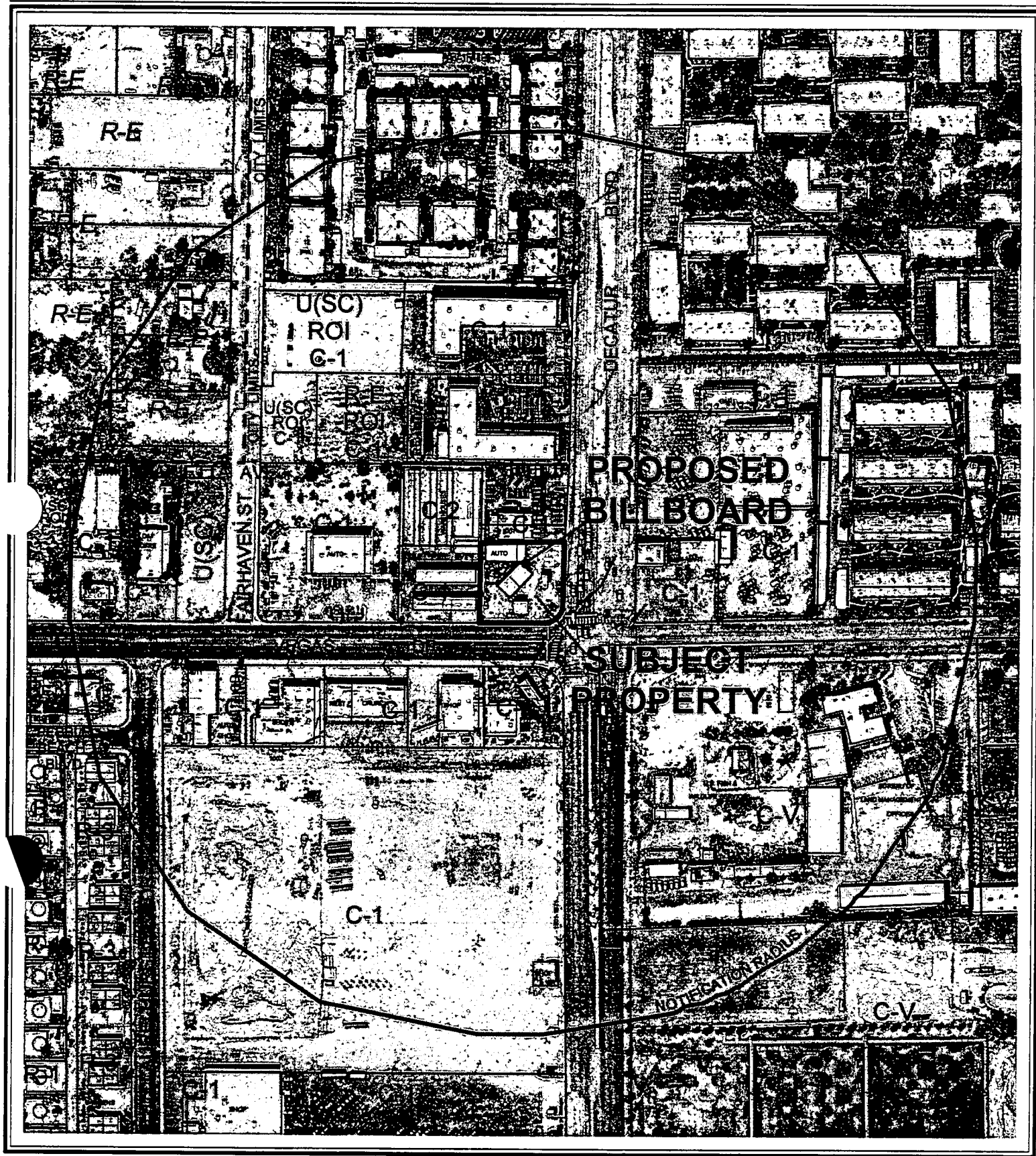
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

151







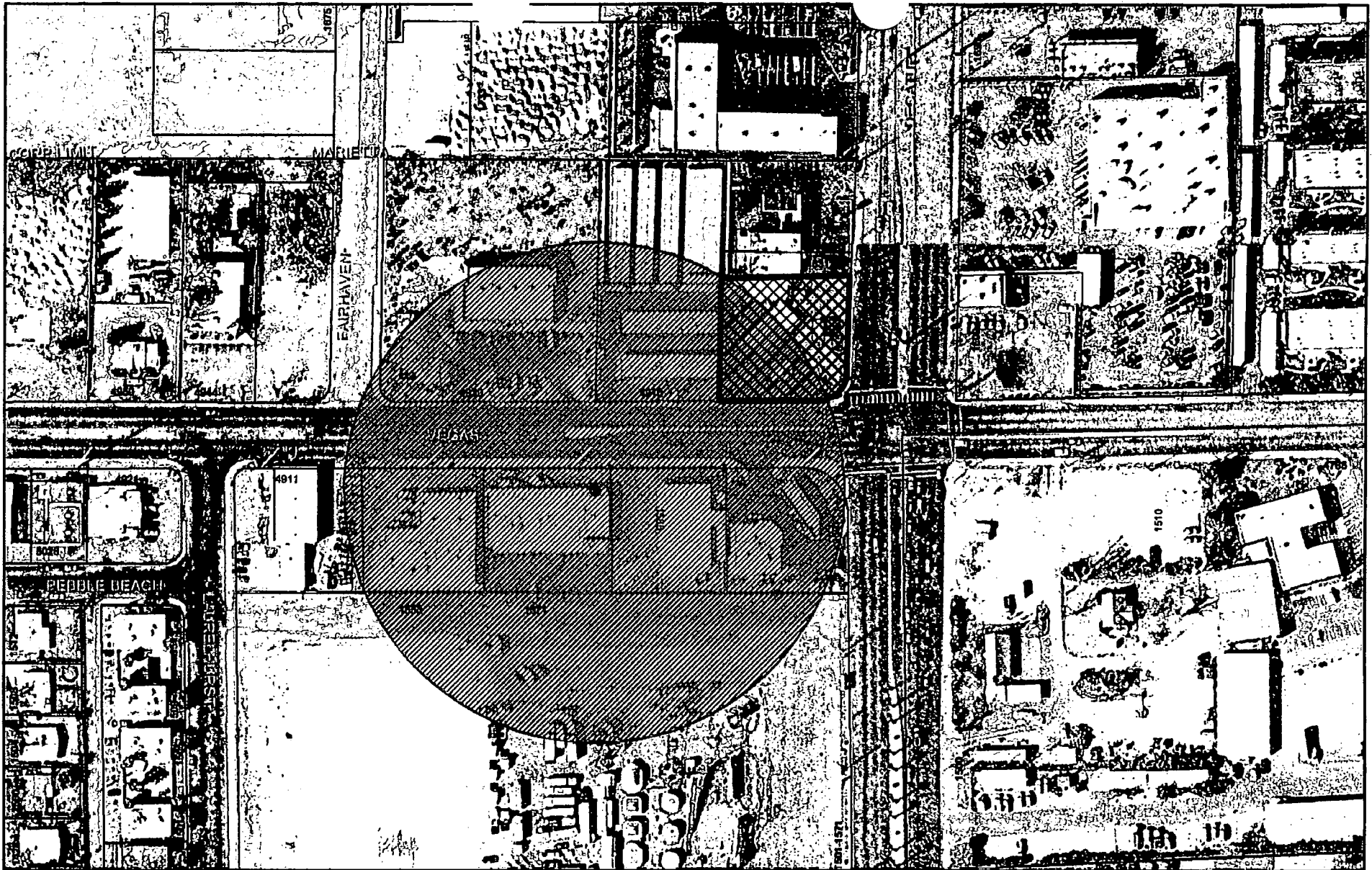
CASE: SUP-4169

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 100 200 Feet





SUP-4169

City of Las Vegas Billboard Data



Subject Parcel

● City of Las Vegas Billboard Location

● Clark County Billboard Location



300 Foot Buffer Around Billboard



750 Foot Buffer Around Freeway Billboard



Outside City Boundary



Off Premise Sign Exclusion Area



Exempt - Off Premise Area Sign Area



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4169 - APPLICANT: LAS VEGAS
BILLBOARDS - OWNER: MARK P. MILFORD AND LORILYN MILFORD TRUST

THIS ITEM WAS HELD IN ABEYANCE AT THE JUNE 16, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (7-0 vote) recommends DENIAL. Staff 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 be removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
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.
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6. Only one advertising sign is permitted per sign face.
7. If the existing 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.

8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed Off-premise Advertising (Billboard) Sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign located at 1615 North Decatur Boulevard.

B) Applicant's Justification

The proposed sign meets all distance separation requirements and is located within an established commercial area of the City.

BACKGROUND INFORMATION

A) Previous Actions

There are no recent case histories.

05/13/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #50).

B) Pre-Application Meeting

03/08/04 No significant issues were identified during the pre-application meeting.

C) Neighborhood Meetings

A Neighborhood Meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: .51

B) Existing Land Use

Subject Property:	Commercial Building
North:	Commercial Building
South:	Convenience Store
East:	Convenience Store
West:	Commercial Building

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: GC (General Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is located within the Southwest Sector of the General Plan with a SC (Service Commercial) land use designation, which allows for low to medium intensity retail, office, or other commercial uses that serve primarily location area patrons, and that do not include more intense general commercial characteristics. The site is zoned C-1 (Limited Commercial) and the proposed sign is a permitted use with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site does not fall within any Special Districts or Zones.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 Feet	300 Feet

The subject site meets all minimum distance separation requirements.

B) General Analysis and Discussion

- Zoning

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- Use

Title 19 establishes the criteria for the approval of Off-Premises Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premises Advertising (Billboard) Sign to 40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these Code requirements with regards to distance separation.

FINDINGS

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 subject site is located within a commercially developed area, and the proposed Off-Premise Advertising (Billboard) Sign is harmonious and compatible with the existing and future land uses in the area.

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

The subject is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign. No waivers are requested, and the site allows for compliance with all distance separation requirements

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.”**

This use does not generate traffic on the proposed site and will not negatively affect the surrounding roadways.

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.”**

The proposed Off-Premises (Billboard) Advertising Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

PLANNING COMMISSION ACTION

The Planning Commission members unanimously believed this is an inappropriate location for a new billboard due to the site's proximity to residential uses and many on-site signs in the vicinity.

NOTICES MAILED 45 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SOP-4/69 APN: 138-24-804-013

Name of Property Owner: mark milford

Name of Applicant: Las Vegas Billboards

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

 No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

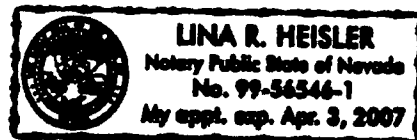
Signature of Property Owner/Authorized Agent: Mark Miller

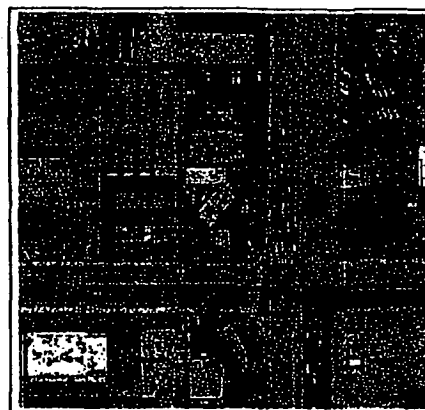
Print Name: MARK MILFORD

Subscribed and sworn before me

This 17 day of February, 2004

Notary Public in and for said County and State





LOCATION:
 31' FRONT SETBACK FROM DECATUR BLVD. TO LEADING EDGE OF SIGN.
 10' FRONT SETBACK FROM DECATUR BLVD. TO CENTER OF COLUMN.
 31' SIDE SETBACK FROM NORTH PROPERTY LINE TO LEADING EDGE OF COLUMN.
 30' SIDE SETBACK FROM NORTH PROPERTY LINE TO CENTER OF COLUMN.

70.01' Property Line
to Center Line of
Decatur Blvd.



**C-1
Zoning**

SUP.-4169
05-13-04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4169 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: MARK P. MILFORD AND LORILYN MILFORD TRUST
1615 NORTH DECATUR BOULEVARD
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4169 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: MARK P. MILFORD AND LORILYN MILFORD TRUST
1615 NORTH DECATUR BOULEVARD
MAY 13, 2003 PLANNING COMMISSION

4/19/04

LAS Consulting, Inc.
856 E. Sahara #4
Las Vegas, NV 89104
(702) 889-2879-office
(702) 889-3122-fax

RECEIVED
CITY CLERK

2004 MAY 14 A 8 26

May 13, 2004

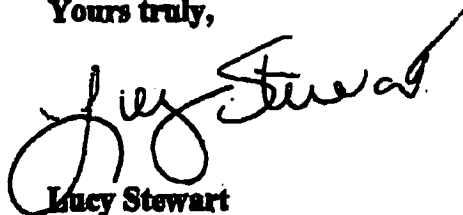
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6311
Fax: (702) 382-4803

RE: Appeal from the 5/13/03 Planning Commission Meeting
No. 50 SUP-4169 and No. 51 SUP-4172

Dear Madam:

Please accept this letter as a request appeal the Planning Commission's denial of items No. 50 SUP-4169 (Milford) and SUP-4172 (Sheikan), respectively. These items were denied at the May 13, 2004 Planning Commission Meeting. I would like to appeal these special use permits to the City Council. I understand that should be the June 2 City Council meeting. Please advise me if that is a different date. Thank you for your consideration in this matter.

Yours truly,



Lucy Stewart
LAS Consulting, Inc.

Cc.

Jay Brown, 385-1023
Chad Harris LVBB, 837-7821

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 -
APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SHAHRAM AND TAWNYA SHEIKHAN - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 300 South Decatur Boulevard (APN: 138-36-601-004), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by LAS Consulting, Inc.
5. Submitted after final agenda – Letter from Singer & Brown requesting an abeyance
Submitted at City Council – City Attorney's Office Opinion filed under Items 3 and 101

MOTION:

REESE – Motion to Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 135 [ROC-4121] and HOLD IN ABEYANCE Item 104 [709 Jackson Avenue], Item 148 [SUP-3152] to 7/21/2004, Item 119 [MSP-4380] to 8/4/2004 and Item 152 [SUP-4172] to 9/1/2004 – UNANIMOUS

MINUTES:

Under Item 101, MAYOR GOODMAN submitted to CITY CLERK RONEMUS an opinion memo from the City Attorney's office regarding Item 110 [DIR-4421], Item 111 [DIR-4573], Item 136 [RQR-3686], Item 137 [RQR-4187], Item 138 [RQR-4238], Item 139 [RQR-4239], Item 140 [RQR-4240], Item 141 [RQR-4242], Item 142 [RQR-4243], Item 143 [RQR-4244], Item 144 [RQR-4268], Item 145 [RQR-4270], Item 146 [RQR-4271], Item 147 [RQR-4282], Item 148 [SUP-3152], Item 149 [SUP-3972], Item 151 [SUP-4169] and Item 152 [SUP-4172] all

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 152 – SUP-4172

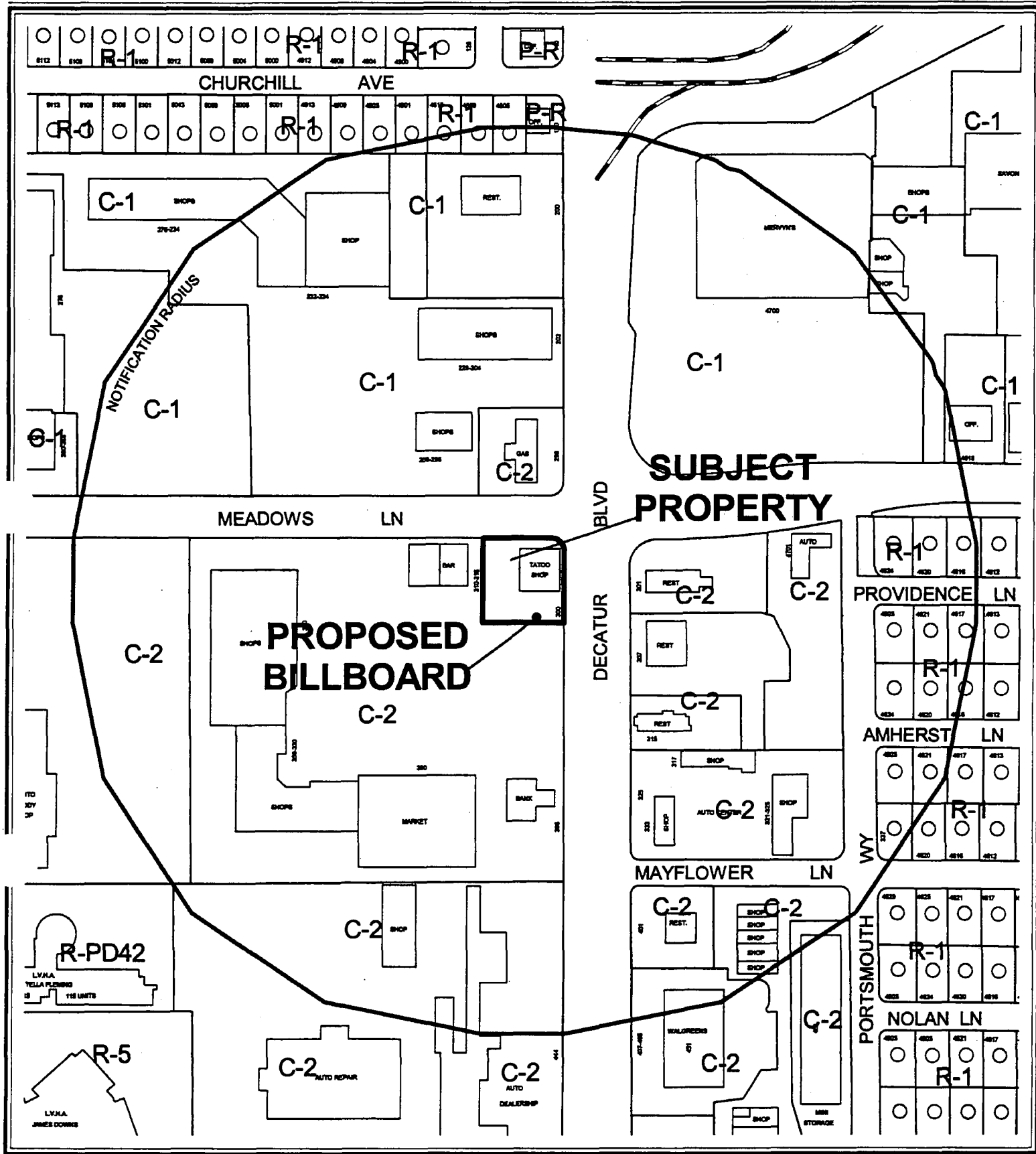
MINUTES Continued:

of which involve billboard signs. He disclosed he would abstain from voting on these items because members of his law office are involved in negotiations with billboard companies. He indicated the opinion memo also covered the abstention he would take on Item 119 [MSP-4380] because his son is an attorney for Treasures.

There was no discussion.

(1:34 – 1:38)

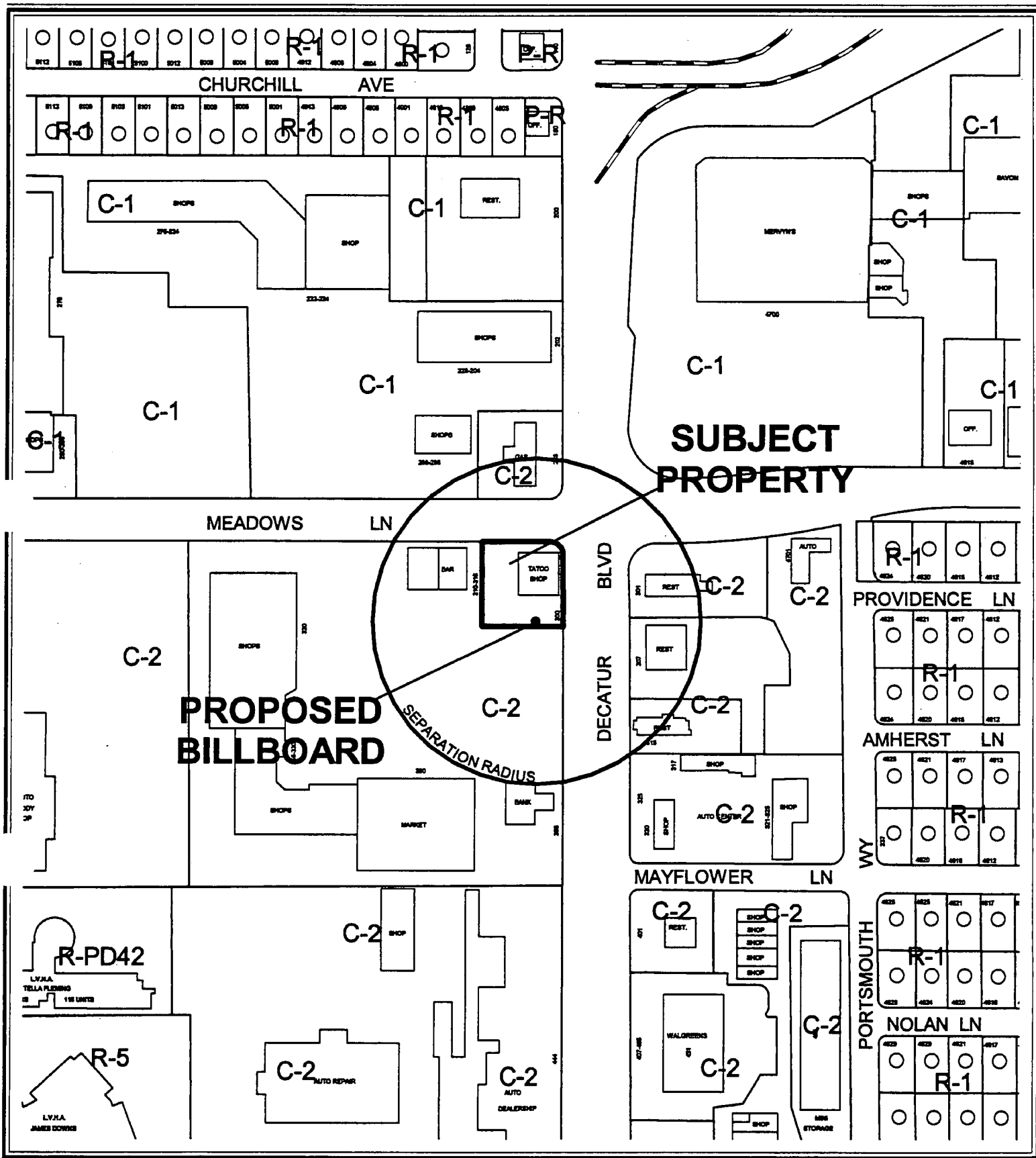
4-96



CASE: SUP-4172

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

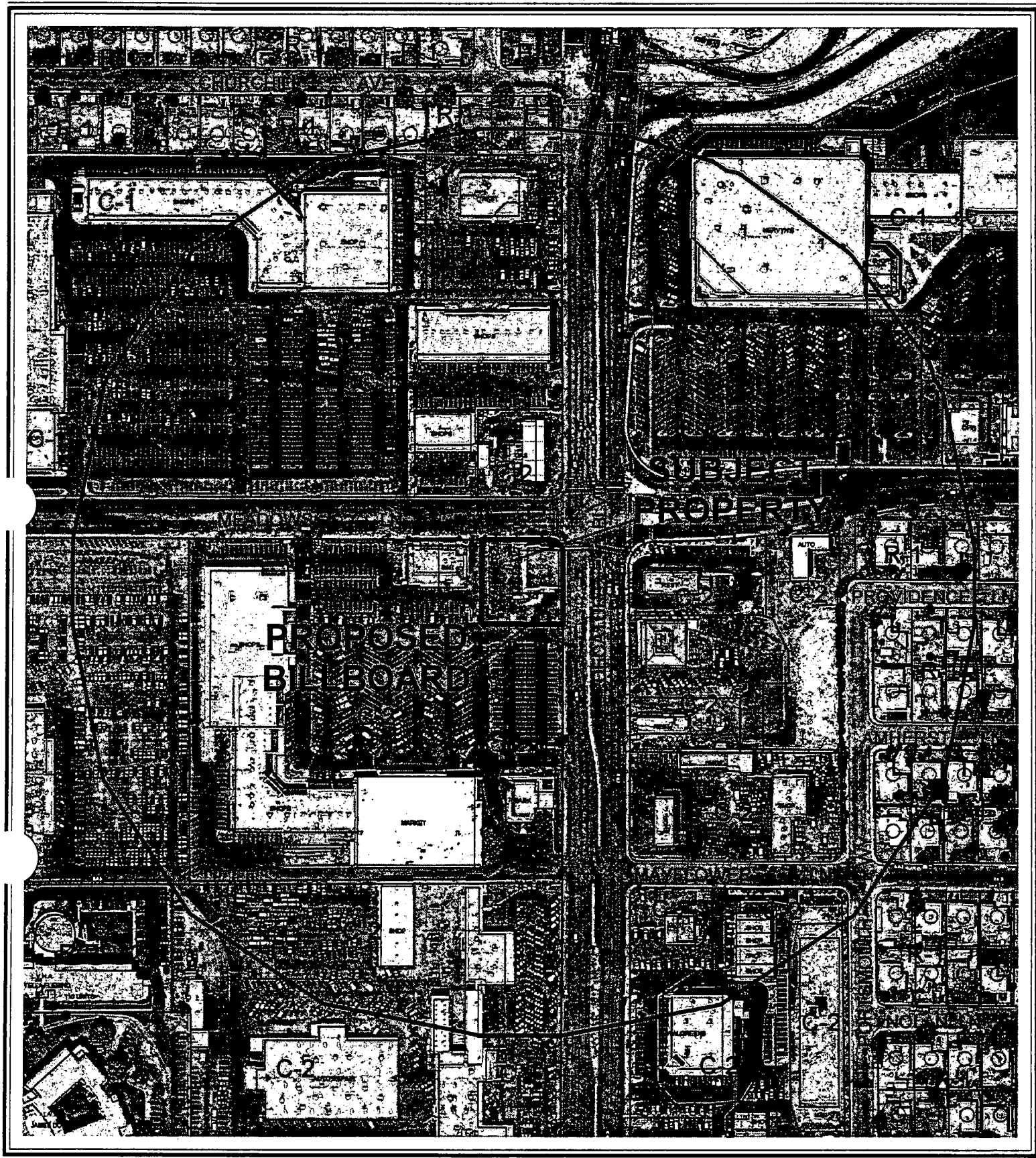


CASE: SUP-4172

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

NOTE: NO EXISTING BILLBOARDS IN AREA



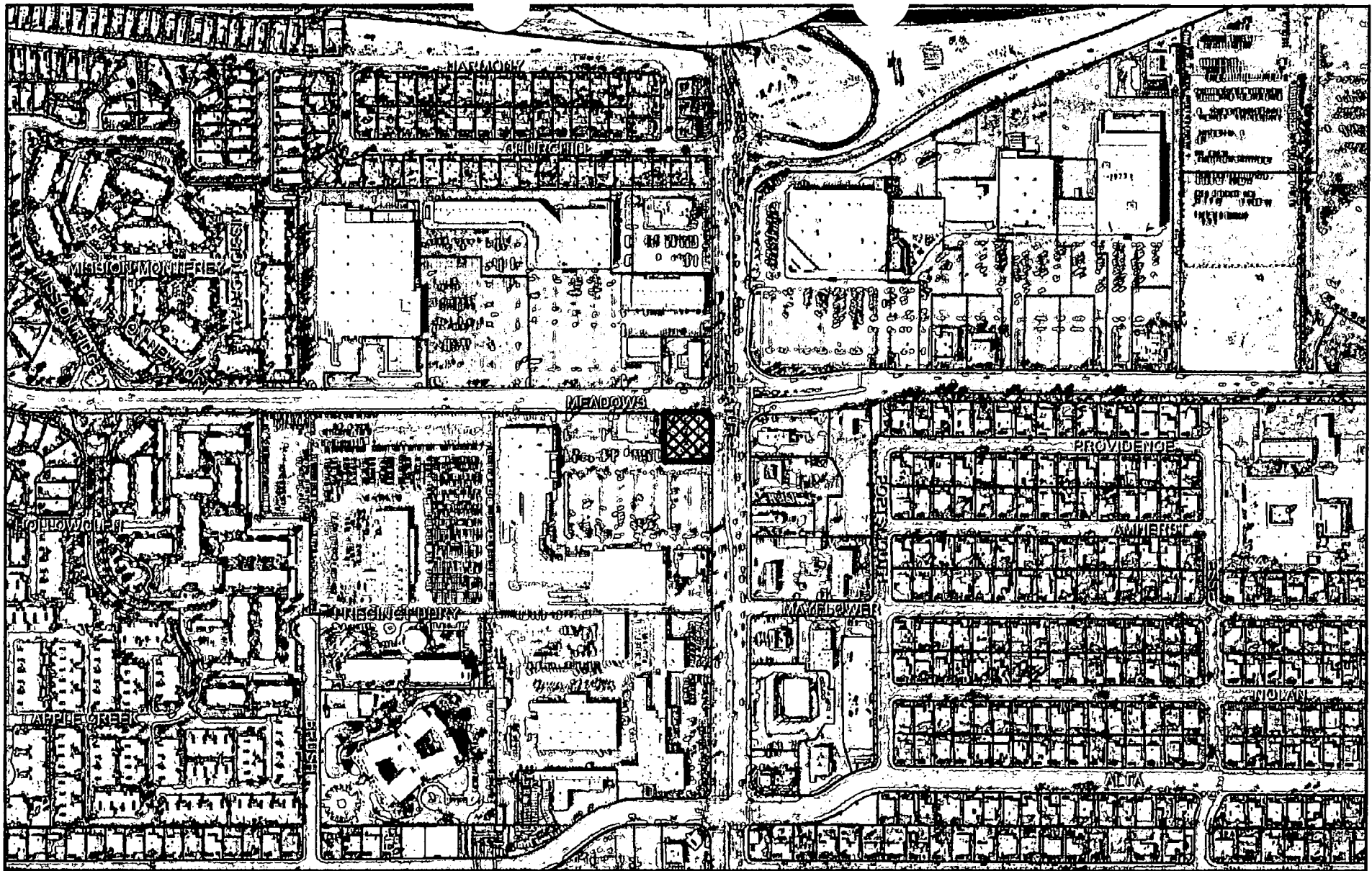
CASE: SUP-4172

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 100 200 Feet





SUP-4172

City of Las Vegas Billboard Data

 Subject Parcel

● City of Las Vegas Billboard Location

○ Clark County Billboard Location

 300 Foot Buffer Around Billboard

 750 Foot Buffer Around Freeway Billboard

 Outside City Boundary

 Off Premise Sign Exclusion Area

 Exempt - Off Premise Area Sign Area



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4172 - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SHAHRAM AND TAWNIA SHEIKHAN

THIS ITEM WAS HELD IN ABEYANCE AT THE JUNE 16, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (7-0 vote) recommends DENIAL. Staff 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 be removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
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. 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.
5. 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 Advertising (Billboard) Sign.
6. Only one advertising sign is permitted per sign face.
7. If the existing 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.

8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed Off-Premise Advertising (Billboard) Sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This an Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign located at 300 South Decatur Boulevard.

B) Applicant's Justification

The proposed sign meets all distance separation requirements and is located within a commercial area.

BACKGROUND INFORMATION

A) Previous Actions

08/22/73 The Board of City Commissioners approved a Reclassification of Property (Z-0061-73) from R-1 (Single Family Residential District) to C-2 (General Commercial). The Planning Commission recommended approval on 8/09/73.

05/11/98 The City Council denied a Special Use Permit (U-0013-98) for a Pawnshop and Second-Hand Sales. The Planning Commission and staff recommended approval on 2/26/98.

05/13/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #51).

B) Pre-Application Meeting

03/08/04 No significant issues were identified during the pre-application meeting.

C) Neighborhood Meetings

A Neighborhood Meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.52

B) Existing Land Use

Subject Property: Commercial Building
North: Service Station
South: Shopping Center
East: Fast Food Restaurant
West: Shopping Center

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is located within the Southwest Sector of the General Plan with a SC (Service Commercial) land use designation, which allows for low to medium intensity retail, office, or other commercial uses that serve primarily location area patrons, and that do not include more intense general commercial characteristics. The site is zoned C-2 (General Commercial) and the proposed sign is a permitted use with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site does not fall within any Special Districts or Zones.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	300 feet	Over 300 feet

The subject site meets all minimum distance separation requirements.

B) General Analysis and Discussion

- Zoning

The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character. An Off-Premises Advertising (Billboard) Sign is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19 establishes the criteria for the approval of Off-Premises Advertising (Billboard) Signs within the City. Title 19.14.100 limits the overall height of an Off-Premises Advertising (Billboard) Sign to 40 feet. The Code also requires Off-Premises Advertising (Billboard) Signs to be a minimum of 300 feet from residentially zoned properties and 300 feet from other off-premises signs. The proposed sign meets these Code requirements with regards to distance separation. The center of the proposed sign is located along the south property line, approximately 50 feet west of Decatur Boulevard.

FINDINGS

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 subject site is located within a commercial shopping center, and the proposed Off-Premise Advertising (Billboard) Sign is harmonious and compatible with the existing and future land uses in the area.

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

The subject is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign. No waivers are requested, and the site allows for compliance with all distance separation requirements.

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."**

This use does not generate traffic on the proposed site and will not negatively affect the surrounding roadways.

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."**

The proposed Off-Premises (Billboard) Advertising Sign would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

PLANNING COMMISSION ACTION

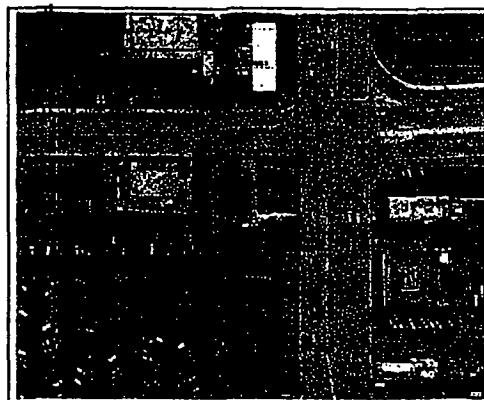
The Planning Commission members unanimously believed this to be an inappropriate billboard location.

NOTICES MAILED 43 by City Clerk

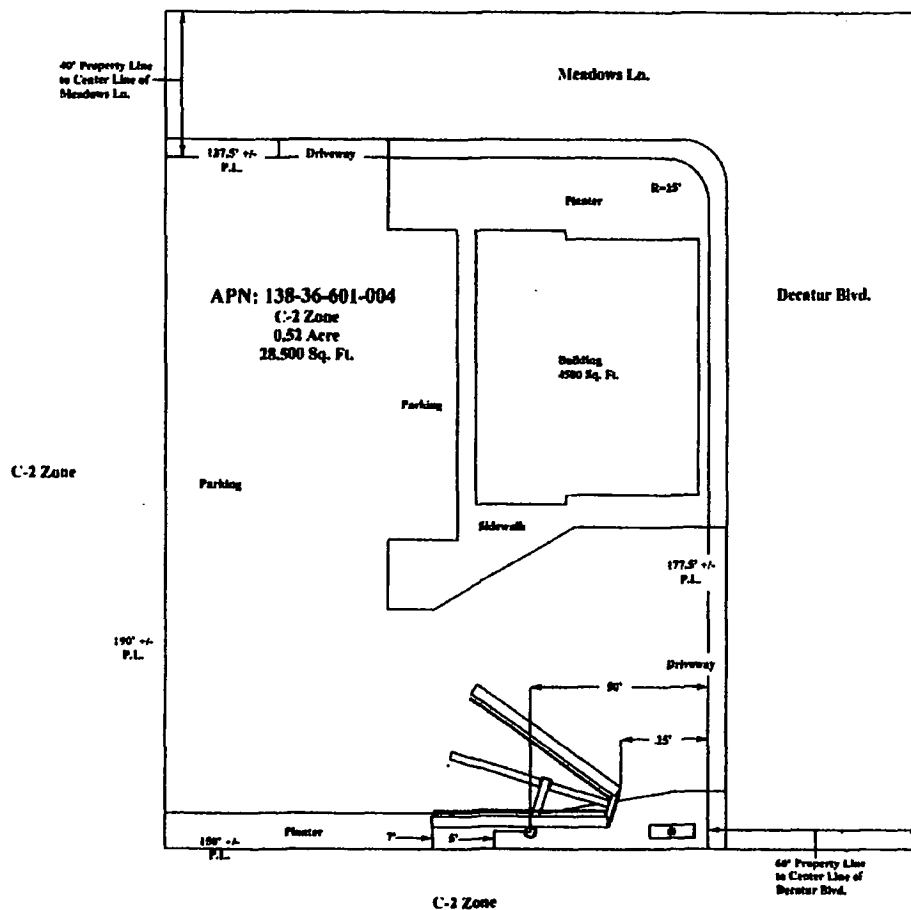
APPROVALS 0

PROTESTS 1



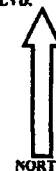


40' Property Line
to Center Line of -
Mendota Ln.



PROPERTY OWNER:	SHAHAM & TAWNYA SHEKHAN 300 S. DECATUR BLVD. LAS VEGAS, NV 89107
PROPERTY ADDRESS:	300 S. DECATUR BLVD. LAS VEGAS, NV 89107
CONTACT:	STEVE RANNEY @ LAS VEGAS BILLBOARDS 6665 S. VALLEY VIEW BLVD. LAS VEGAS, NV 89118 837-7822

APN: 135-36-401-004
ZONED: C-2
14' x 48' CENTER MOUNT V-BUILD w/OFFSET
40' OVERALL HEIGHT
NO ADJACENT ON-PREMISE SIGN WITHIN 100'
NO ADJACENT OFF-PREMISE SIGN WITHIN 300'
NO R-E ZONE WITHIN 300'
SCALE 1" = 20'

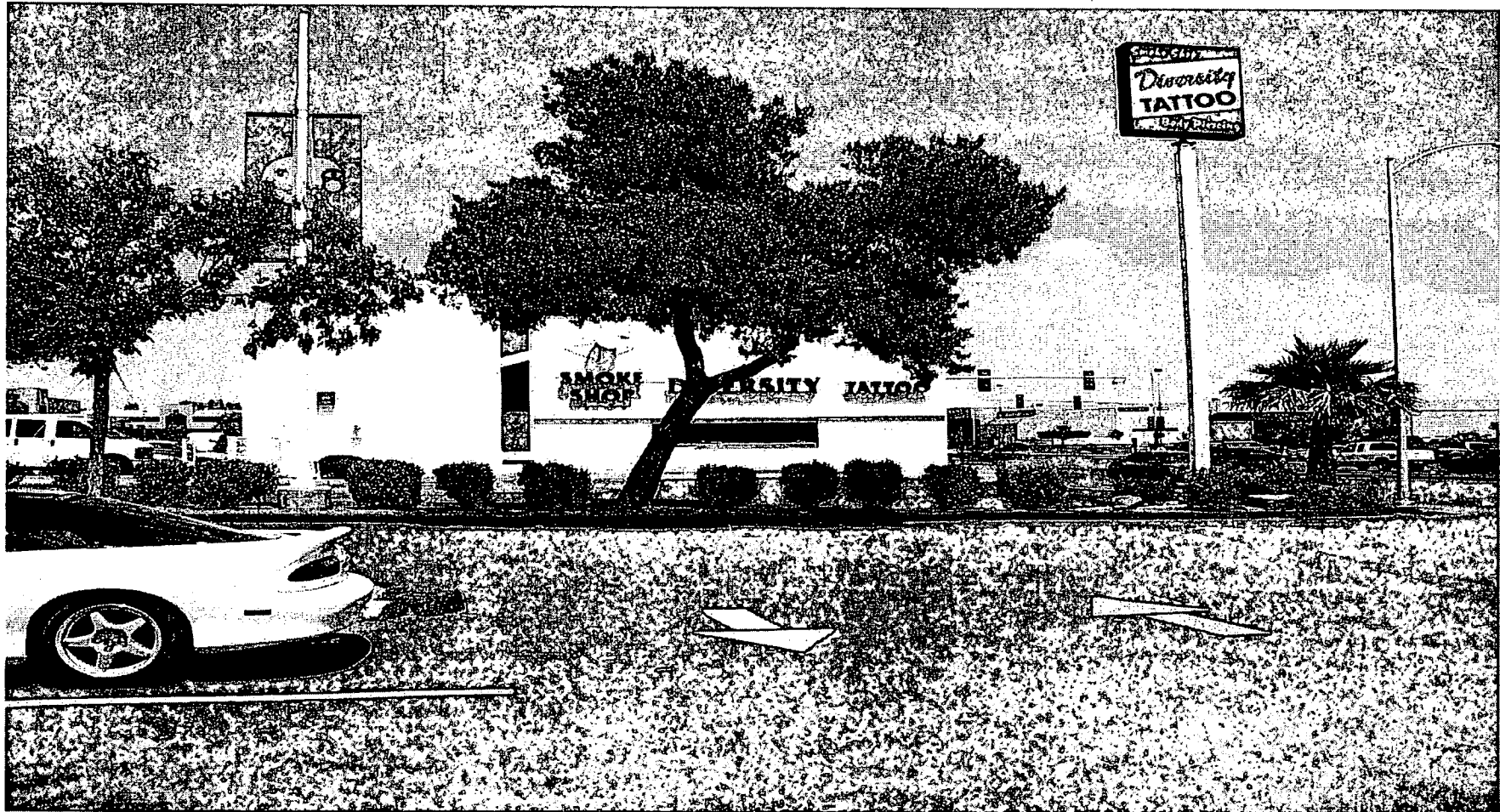
**SKIN ANALYSIS TABLE**

TYPE OF SIGN:	14' X 48' OFF-PREMISE SIGN
SIGN HEIGHT:	48' OVERALL HEIGHT
SIGN WIDTH:	48' OVERALL WIDTH
SIGN AREA:	672' SQUARE FT.
ILLUMINATION TYPE:	BALLOON LIGHTING
ANIMATION:	NONE

LOCATION:
 1' FRONT SETBACK FROM DECATUR BLVD. TO LEADING EDGE OF SIG.
 1' FRONT SETBACK FROM DECATUR BLVD. TO CENTER OF COLUMN.
 2' SIDE SETBACK FROM SOUTH PROPERTY LINE TO LEADING EDGE OF COLUMN.
 20' SIDE SETBACK FROM SOUTH PROPERTY LINE TO CENTER OF COLUMN.

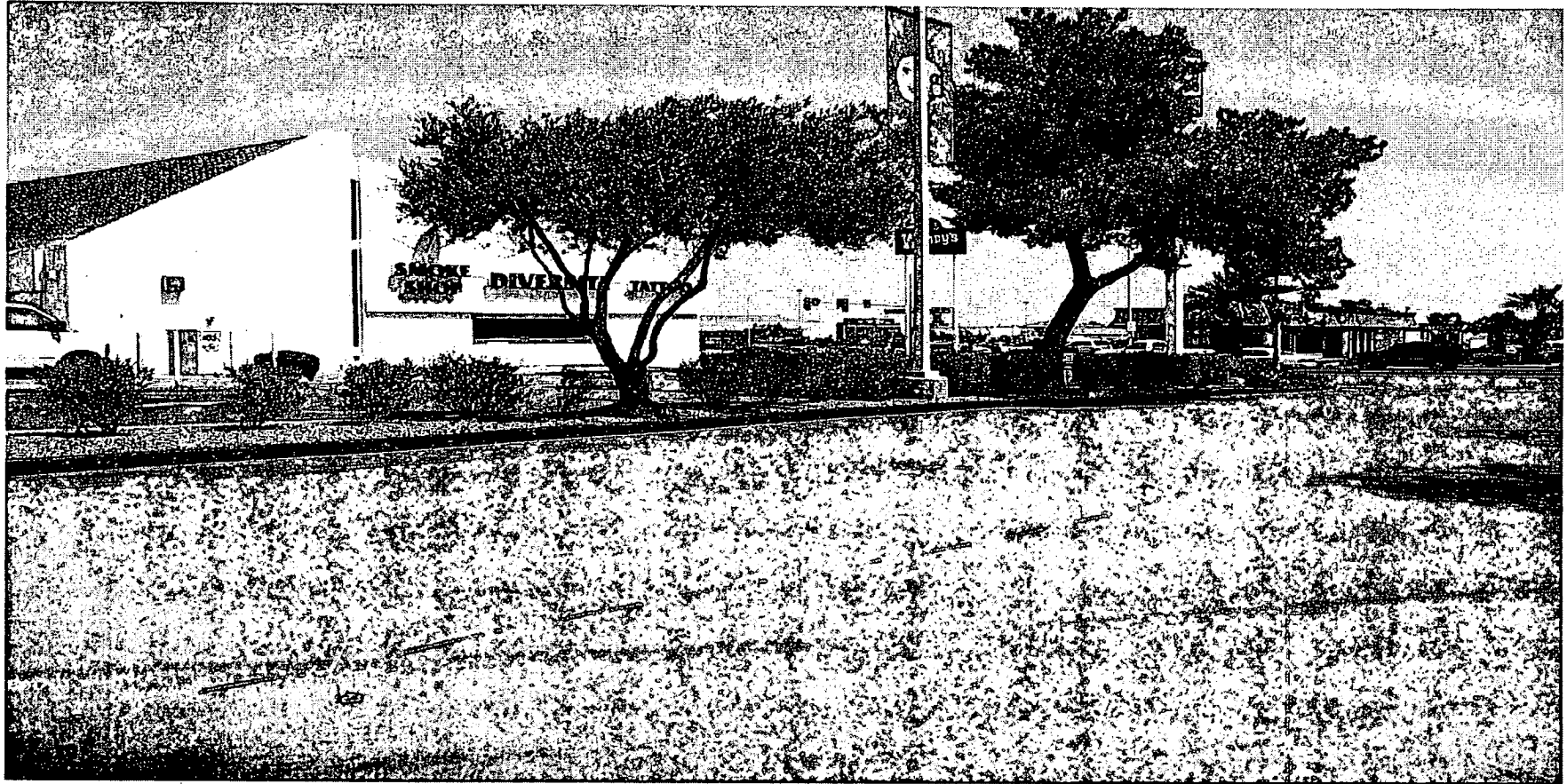
C-2 Zone

SUP-4172
05-13-04 PC



SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: SHAHRAM AND TAWNYA SHEIKHAN
300 SOUTH DECATUR BOULEVARD
MAY 13, 2003 PLANNING COMMISSION

4/19/04



**SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 - APPLICANT: LAS VEGAS BILLBOARDS -
OWNER: SHAHRAM AND TAWNYA SHEIKHAN
300 SOUTH DECATUR BOULEVARD
MAY 13, 2003 PLANNING COMMISSION**

4/19/04

LAS Consulting, Inc.
856 E. Sahara #4
Las Vegas, NV 89104
(702) 889-2879-office
(702) 889-3122-fax

RECEIVED
CITY CLERK

2004 MAY 14 A 8:26

May 13, 2004

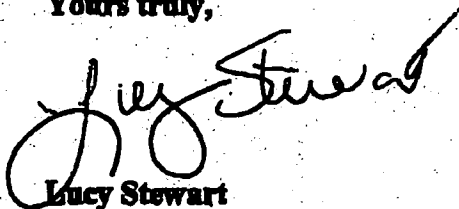
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6311
Fax: (702) 382-4803

RE: Appeal from the 5/13/43 Planning Commission Meeting
No. 50 SUP-4169 and No. 51 SUP-4172

Dear Madam:

Please accept this letter as a request appeal the Planning Commission's denial of items No. 50 SUP-4169 (Milford) and SUP-4172 (Sheikan), respectively. These items were denied at the May 13, 2004 Planning Commission Meeting. I would like to appeal these special use permits to the City Council. I understand that should be the June 2 City Council meeting. Please advise me if that is a different date. Thank you for your consideration in this matter.

Yours truly,



Lucy Stewart
LAS Consulting, Inc.

Cc.

Jay Brown, 385-1023
Chad Harris LVBB, 837-7821

RECEIVED
CITY CLERK

LAW OFFICES

Singer & Brown

MICHAEL H. SINGER
JAY H. BROWN

A NEVADA LLC

2004 JUL -7 A 10: 55

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-8563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

July 7, 2004

FAX: 382-4803

Las Vegas City Clerk
400 E Stewart Avenue
Las Vegas, Nevada 89101
Attn: Barbara Jo Ronemus
City Clerk

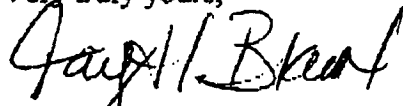
Re: Item No. 152 SUP-4172-Special Use Permit-Las Vegas Billboards on behalf of
Shahram and Tawnya Sheikhan
City Council Agenda of July 7, 2004

Dear Ms. Ronemus:

Please be advised that I represent Las Vegas Billboards in connection with the above
referenced application.

On behalf of our client, we respectfully request that this item be held in abeyance from
the City Council agenda of July 7, 2004 and reset for the September 1, 2004 City Council
meeting.

Very truly yours,



Jay H. Brown

JHB:ss

Submitted after final agenda

Date 7/7/04 Item 152

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4247 - APPLICANT: TIM C. AYALA - OWNER: WEINGARTEN NOSTAT, INC. - Appeal filed by the application from the Denial by the Planning Commission of a Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED, a Waiver to allow the square footage to be less than 1,500 square feet, AND TO ALLOW THE USE TO BE CLOSER THAN 200 FEET FROM A RESIDENTIALLY ZONED PARCEL at 849 South Rainbow Boulevard (APN: 138-34-717-006), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by TC Ayala Planning & Development

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with MACK abstaining because he is a consultant to his brother STEVEN MACK’S SuperPawn Company, which offers the same type of services in the area and BROWN not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

Under Item 101, COUNCILMAN MACK disclosed that he would be abstaining on Item 119 [MSP-4380] because of his position as an advertising consultant for Treasures. He submitted an opinion memo to CITY CLERK BARBARA JO RONEMUS from the City Attorney, which pertained to Item 52 [Elkhorn/US95 Overpass], Item 119 [MSP-4380], Item 121 [VAC-4348], Item 142 [RQR-4243], Item 153 [SUP-4247] and Item 110 [DIR-4421]. He explained that he would be reading the reasons for his abstentions as the items were heard.

TIM AYALA, 4600 Sunset Road, thanked COUNCILWOMAN MONCRIEF for taking time to review the project. This submission was made approximately three weeks before the ordinance

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 153 – SUP-4247

MINUTES Continued:

change occurred in April of 2004. He pointed out that the location is 350 feet from any residential property, the minimum number of parking spaces required has been exceeded and the nearest paycheck cashing facility is over a quarter mile away. He concurred with conditions and requested approval.

COUNCILWOMAN MONCRIEF stated that the waivers listed did not apply to the application because the submission was made prior to the ordinance change, and because there was not an oversaturation in the area, she could support the application.

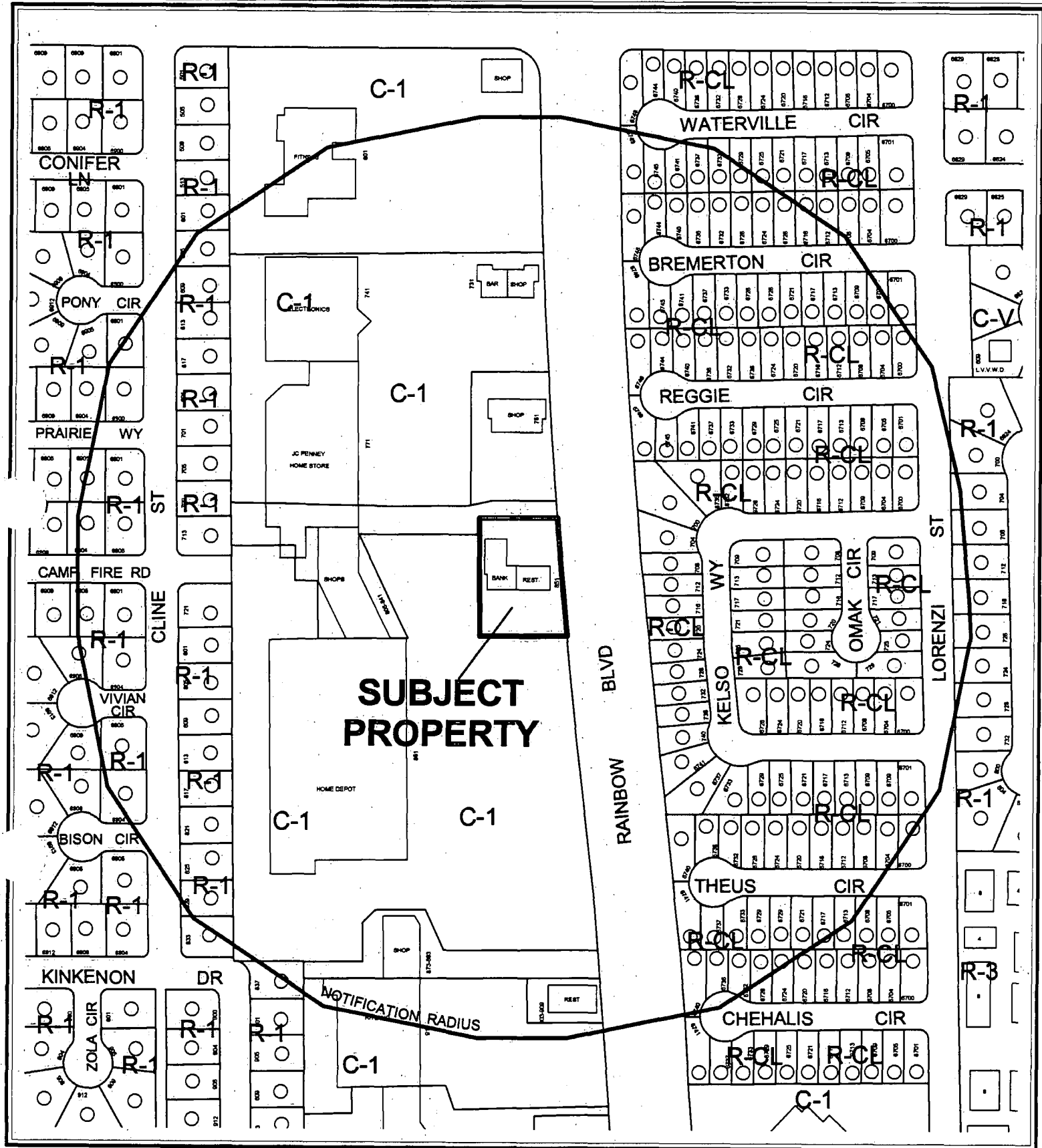
No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.
(4:48 – 4:51)
6-428

CONDITIONS:

Planning and Development

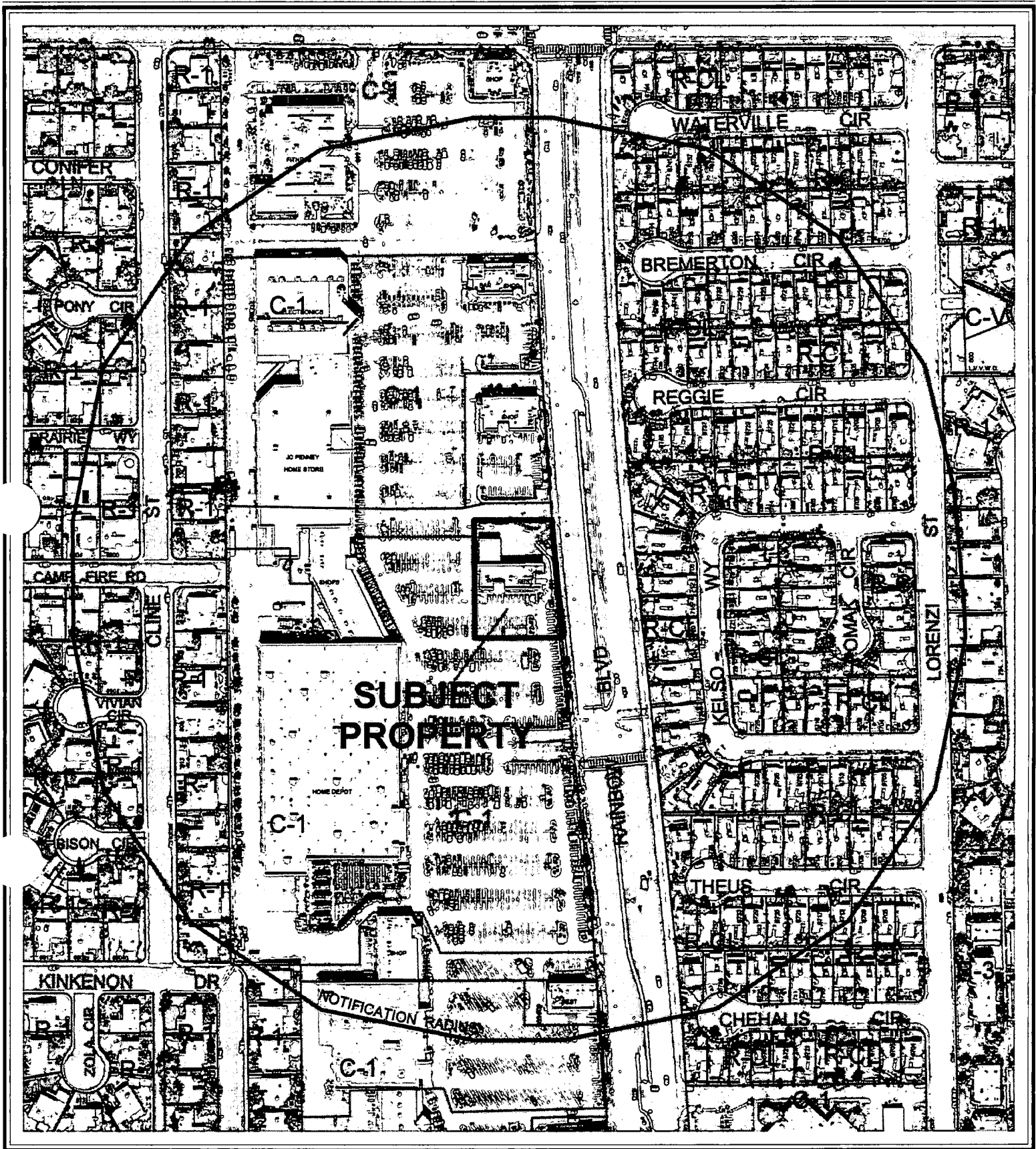
1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
2. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-4247

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: SUP-4247

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





SUP-4247 Financial Business Locations

- Financial Institution, Specified
(Check Cashing Service)
- Financial Institution, Specified
(Check Cashing Service with Gross)
- Finance Company
- Automobile Title Loan



Subject Property

Residential Property



Buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4247 - APPLICANT: TIM C. AYALA - OWNER:
WEINGARTEN NOSTAT, INC.

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
2. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the application from the Denial by the Planning Commission of a request for approval of a Special Use Permit for a proposed Financial Institution, Specified on property located 849 South Rainbow Blvd. The applicant is also requesting a waiver of the 1,500 square foot building or portion thereof minimum size requirement and a waiver of the 200-foot minimum distance requirement from any parcel used or zoned for residential use.

B) Applicant's Justification

The applicant justifies this request by stating that there are no other similar uses within a quarter mile area of the location. The applicant also states that the use will not create additional traffic.

BACKGROUND INFORMATION

A) Previous Actions

- 06/06/90 The City Council approved a Rezoning (Z-0051-90) application for the reclassification of property located on the southwest corner of Alta Drive and Rainbow Boulevard, from R-1 (Single Family Residence) (a portion under Resolution of Intent to C-1), to C-1 (Limited Commercial). The Planning Commission and staff recommended denial.
- 05/27/04 The Planning Commission abeyed this application to its 06/10/04 meeting at the request of the applicant, in order to work with staff on the project. No meetings have been held with staff and no changes have been made to the site plan as previously proposed.
- 06/10/04 The Planning Commission voted 6-0-1 to recommend DENIAL (PC Agenda Item #28/pl).

B) Pre-Application Meeting

- 03/22/04 The submittal requirements for a Special Use Permit were discussed, as well as the conditions regarding a Financial Institution, Specified. No other comments were made.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.77 acres

B) Existing Land Use

Subject Property: Retail Commercial and Restaurant

North: General Retail

South: General Retail

East: Single Family Residences

West: General Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)

North: SC (Service Commercial)

South: SC (Service Commercial)

East: ML (Medium Low Density Residential)

West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)

North: C-1 (Limited Commercial)

South: C-1 (Limited Commercial)

East: R-CL (Single Family Compact-Lot)

West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject parcel is designated as SC (Service Commercial) within the Southwest Sector Map of the General Plan. The intent of the General Plan, SC (Service Commercial) designation is to allow medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site is not within a Special Area Plan or Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified	800 SF.	1 space/300 sf GFA	3	1	35	2

The subject site is part of a commercial subdivision and therefore has the benefit of shared parking across the entire subdivision. The parking provided in the above table refers only to the amount of spaces available within the subject parcel, and does not accurately depict the total available parking.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04 Standards adopted by City Council 04/21/04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Specified Financial Institution	200 feet from any parcel used or zoned for residential use	NO
	1,000 feet from any other specified financial institution, auto title loan or auto pawn use	YES

The subject site is a fee interest parcel located within a larger commercial subdivision, which is separated from residential use to the east by Rainbow Boulevard, a 150-foot primary arterial. Therefore, due to the proximity of the parcel to residentially zoned land to the east the applicant requires a waiver of the 200-foot minimum distance requirement.

Pursuant to Title 19.04 Standards adopted 04/21/04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Specified Financial Institution	The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet.	NO

The subject use is proposed to be located within an approximately 800 square foot portion of an existing building. This does not meet the standards of the Code. The applicant has not supplied a floor plan for the proposed location, therefore it cannot be determined if the applicant has sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). A Financial Institution, Specified use is permitted with the approval of a Special Use Permit.

- Use

This project will be an approximately 800 square-foot tenant improvement within an existing retail building; therefore, no exterior work specific to this use will be performed, ensuring compatibility with the shopping center and surrounding development. It cannot be determined if the applicant has sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks), due to the lack of submitted information. Proposed signage on the storefront was not submitted. All building signage is subject to the base conditions for approval of the Special Use Permit and the requirements set forth by Title 19. Currently, the nearest existing approved Financial Institutions, Specified are to the south, on either side of the northern corners of the Charleston Boulevard and Rainbow Boulevard intersection.

- Conditions

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use, adopted by City Council 04/21/04.

1. The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed check-cashing center fails to comply with conditions #6 and #7 of Title 19.04. The subject site's interior square footage is approximately 800 square feet, where 1,500 square feet is required. As well as, the subject site is located within the 200 minimum distance buffer from residential.

FINDINGS

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 Financial Institution, Specified use will be located within an approved building with no external changes to be made except for new wall signage. It will be surrounded by other commercial and retail businesses of a similar physical character. This use is compatible with the intent of the SC (Service Commercial) land use designation. However, the subject property is located within 200 feet from parcels used and zoned for residential use to the east. This application requires the granting of waiver from this minimum distance requirement.

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

The subject tenant space is inadequate as set forth by Bill No. 2003-78, adopted 04/21/04, which requires a minimum of 1,500 square feet of interior space, to provide sufficient customer waiting areas, customer queuing, and transaction space. Therefore, a waiver from the minimum interior space requirement is required for approval. The existing parking area is adequate to accommodate the proposed Financial Institution, Specified 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."**

The Rainbow Plaza Commercial Subdivision is highly accessible from Rainbow Boulevard; a Primary Arterial 150 foot. Access to this site is from an internal drive within the shopping center, connecting to Rainbow Boulevard. These streets will be adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

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."**

The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Financial Institution, Specified would be subject to inspections for a Certificate of Occupancy.

NOTICES MAILED 184 by City Clerk

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4247** APN: *138-34-717-007*

Name of Property Owner: WEINGARTEN NOSTAT, INC.

Name of Applicant: TIM C. AYALA

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

✓ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s):

APN: _____

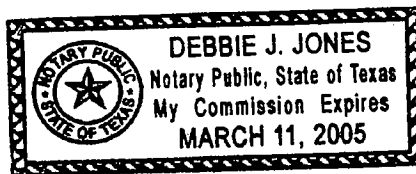
Signature of Property Owner/Authorized Agent: By: Victoria Brown

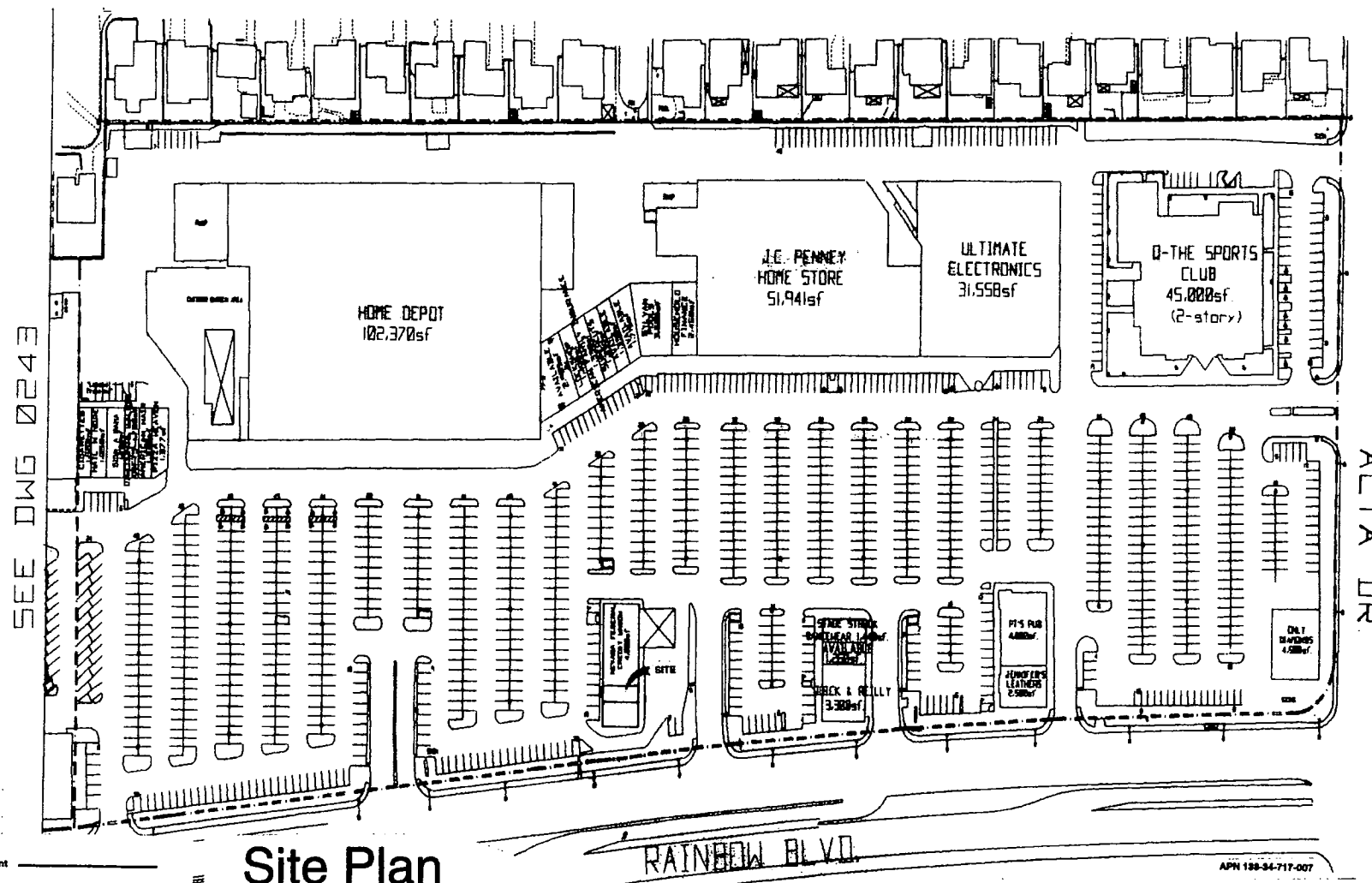
Print Name: Victoria Brown

Subscribed and sworn before me

This 17th day of March, 2024

Debbie J. Jones
Notary Public in and for said County and State





Site Plan
Easy Money Loans
Las Vegas, Nevada



LAND USE ANALYSIS
EXISTING ZONE - C-2
PROPOSED USE - COMMERCIAL USE
APPROX. OFFICE AREA - 800 SQ. FT.
EXISTING PARKING

SCALE 1"=60'

SUP-4247
5-27-04 PC



SUP-4247 - APPLICANT: TIM C. AYALA - OWNER: WEINGARTEN NOSTAT, INC.
849 SOUTH RAINBOW BOULEVARD
JUNE 10, 2004 PLANNING COMMISSION

TC AYALA PLANNING & DEVELOPMENT

4600 Sunset Road Ste. 148
Henderson, Nevada 89014

Phone (702) 275-3784

Fax (702) 407-7744

Planning & Development Department
C/O Gary M. Leobold Senior Planner
400 Stewart Avenue
Las Vegas, Nevada

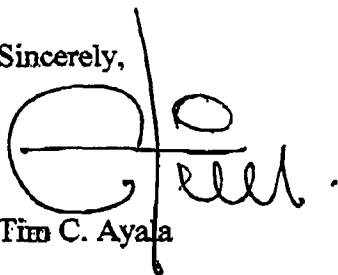
June 18, 2004

RECEIVED
CITY CLERK
2004 JUN 18 PM 2:16

Dear Mr. Leobold:

I'm submitting this letter in order to appeal the special use permit number SUP-4247 that was denied at your regular meeting of the City Planning Commissioners on June 10, 2004. Following City regulations my client would like to have this item heard at the next City Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim C. Ayala', written over a horizontal line.

Tim C. Ayala

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4287 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC. - Request for a Special Use Permit FOR A SUPPER CLUB adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard (a portion of APN: 162-06-112-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 154 [SUP-4287] and Item 155 [SDR-4286].

SCOTT RUEDY, WRG Design, 3011 West Horizon Ridge Parkway, appeared on behalf of the applicant and agreed with staff recommendation.

MAYOR GOODMAN expressed concern over the growing trend for reduction of landscaping and requested clarification of why so many waiver applications are being filed. Unless well justified, he would no longer support such requests because the landscaping requirements serve the City well. ROBERT GENZER, Director, Planning and Development Department, stated that the landscaping requirements are fair and not overly burdensome on property owners. MARGO WHEELER, Deputy Director, Planning and Development Department, indicated that staff does recommend against such waivers in the majority of cases. MS. WHEELER explained to COUNCILMAN MONCRIEF that in rare cases, such as this one, perimeter landscaping does not work where a parking lot is next to another parking lot. In these circumstances, the landscaping strip would not be appropriate.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 154 – SUP-4287

MINUTES Continued:

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 154 [SUP-4287] and Item 155 [SDR-4286].

NOTE: All discussion for Item 154 [SUP-4287] and Item 155 [SDR-4286] was held under Item 137 [ZON-3825].

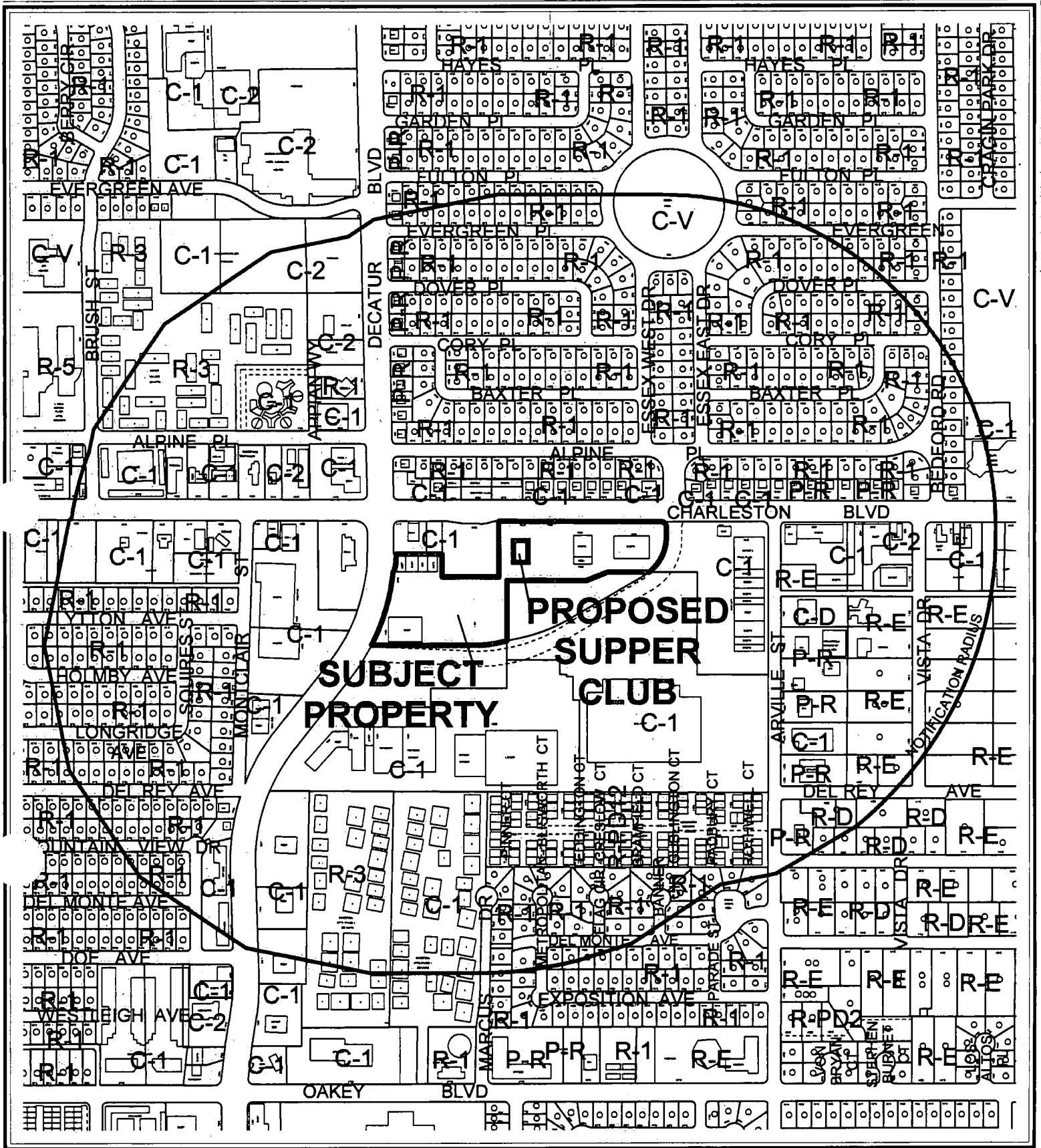
(4:52 – 4:56)

6-668

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04 for the Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-4286.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-4287

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 400 800 Feet



154





CASE: SUP-4287

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-4287 - APPLICANT: APPLEBEE'S - OWNER:
WEINGARTEN NOSTAT, INC.**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04 for the Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-4286.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Special Use Permit for a Supper Club located adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard.

A Site Development Plan Review (SDR-4286) for the supper club was submitted as a companion item.

B) Applicant's Justification

The applicant's justification letter indicates the restaurant use is the principal use for this development and that the supper club will meet all requirements for a use of this type.

BACKGROUND INFORMATION

A) Previous Actions

08/22/62 The Board of City Commissioners approved a request for Reclassification of property to C-1 (Limited Commercial) on a portion of the site (Z-0075-62). The Planning Commission recommended approval on August 9, 1962.

10/04/00 The City Council approved a Site Development Plan Review [Z-0075-62(17)] for the overall 571,410 square foot commercial center on this site. The Planning Commission recommended approval on September 14, 2000.

05/27/04 The Planning Commission recommended approval of a related Site Development Plan application (SDR-4286) as part of this agenda.

05/27/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #49/mp).

B) Pre-Application Meeting

03/23/04 A pre-application meeting was conducted and the applicant was advised of the requirements for a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 8.99
Net Acres: 0.95

B) Existing Land Use

Subject Property: Undeveloped
North: Office and Commercial
South: Retail Commercial Center
East: Retail Commercial Center
West: Retail Commercial Center

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southeast Sector Plan Map of the General Plan. The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special area plans or districts that affect this site.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Supper Club / Seating Area	3,614	1 space / 50 GFA	73			
Other Areas	2,289	1 space / 200 GFA	12	0		0
Total	5903		85	4	63	4

The proposal meets Title 19 parking requirements. Additional discussion of how the parking is provided within the overall shopping center is provided with the companion Site Development Plan Review.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Supper Club	400 feet from any Church, School, Daycare, or City Park	There are no protected uses within the minimum distance separation requirement

There are no protected uses within the minimum distance separation requirement.

B) General Analysis and Discussion

- Zoning

The proposed supper club is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19 defines a Supper Club as a restaurant and bar operation with alcoholic beverage sales in which the bar area is separated from the restaurant area by a buffer sufficient to prevent access by minors. Alcohol can only be served within the seating area in conjunction with food, and the restaurant operation shall be the principal portion of the business. The seating accommodates at least one hundred twenty-five persons, and full-course meals are available during all hours the bar area is open to the public. A cook and food server, other than a bartender, shall be available at all times the bar area is open to the public. This request meets the requirements of this definition and can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

FINDINGS

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 supper club will be located within an existing shopping center that is surrounded by other commercial uses. Therefore, this use to be conducted manner that is harmonious and compatible with existing surrounding land uses, and with future uses as projected by the General Plan

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

With the approval of the companion Site Development Plan Review, the site will be physically suitable for the type of land use proposed.

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 is provided via a drive from Charleston Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed 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."**

The proposed Supper Club use will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 637 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING &
DEVELOPMENT

DEVELOPMENT
SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4287** APN: A Portion of 162-06-112-004

Name of Property Owner: Weingarten Nostat Inc.

Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: REN CARUSO

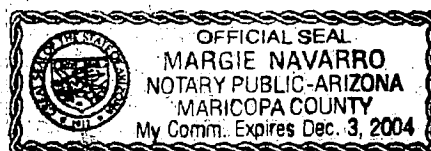
Subscribed and sworn before me

Weingarten Realty Investors

This 19th day of JANUARY, 2004

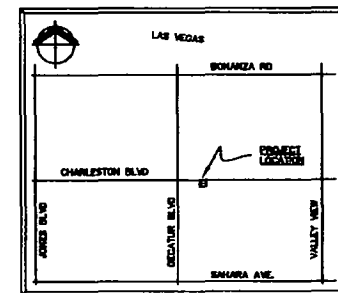
Margie Navarro

Notary Public in and for said County and State



-BASIS OF BEARINGS-
N89°34'09"W

CHARLESTON BLVD.
(100' ROW)



VICINITY MAP
NOT TO SCALE

SITE STATISTICS

BLDG. 4,950 SF.
23 PARKING SPACES PROVIDED (ON LOT SPACE)
23 PARKING SPACES PROVIDED (NEIGH. CENTER)

FUTURE DEVELOPMENT

FAST FOOD
2,857sf.

SITDOWN FOOD
3,300sf.

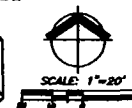
Applebee's
Neighborhood Grill & Bar
4,950sf.

BASIS OF BEARINGS
NORTH BEARING: BEING THE CENTERLINE OF CHARLESTON BLVD. AND BEING THE NORTH LINE OF THE
NORTHWEST QUARTER (NW 1/4) OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, SADDLE CLARK COUNTY,
NEVADA AS SHOWN BY MAP CORRECTED OR FILED IN BOOK 111, PAGE 27 OF PLATS IN THE CLARK COUNTY RECORDS
OFFICE, CLARK COUNTY, NEVADA.

BENCHMARK

CITY OF LAS VEGAS SECTION FOR BENCHMARK, BEING A PINEY & PLATE IN TOP OF CURB AT THE NORTHEAST CORNER
OF CHARLESTON AND CTR.

ELEVATION
FEET = DISPLAY CHANGES



SITE PLAN

APPLEBEE'S GRILL AND BAR • WESTLAND FAIR

CITY OF LAS VEGAS, NEVADA

APRIL 27, 2004

REV. DATE BY

PROJECT NO.
APB2906

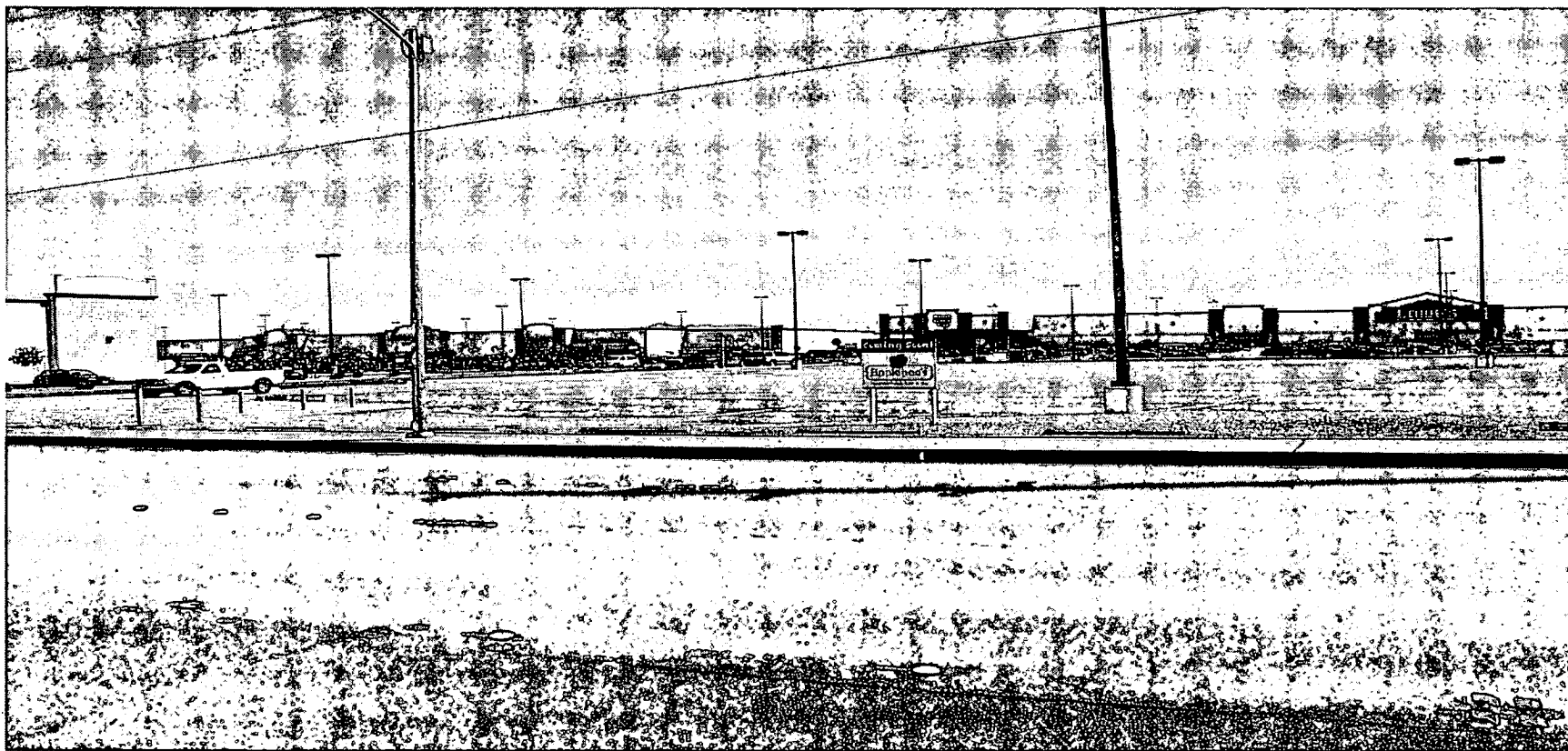
DATE: 04/27/04
DESIGNED: JCK
ENGINEER: MFB
CHECKED: BNU

SHEET TITLE
SITE PLAN
SHEET NUMBER

EX1
1 OF 1

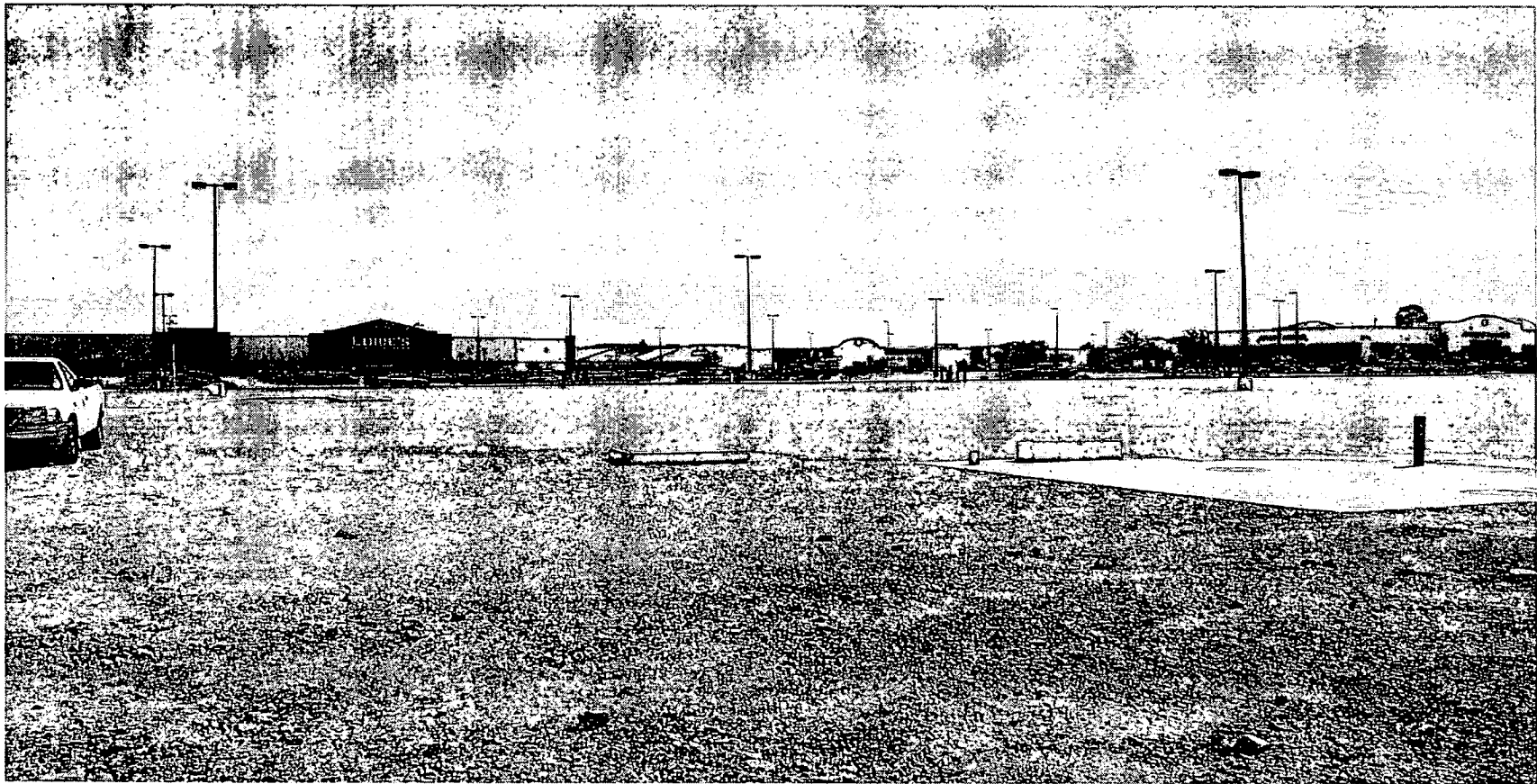
REVISED
4.28.04

SUP-4287
5-27-04 PC



SUP-4287 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC.
SOUTH SIDE OF CHARLESTON BOULEVARD, APPROXIMATELY 480 FEET EAST OF DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

04/29/04



SUP-4287 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC.
SOUTH SIDE OF CHARLESTON BOULEVARD, APPROXIMATELY 480 FEET EAST OF DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION

04/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4287 - PUBLIC HEARING - SDR-4286 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC. - Request for a Site Development Plan Review and a Waiver of the Landscaping Requirements FOR A RESTAURANT on 8.99 acres adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard (a portion of APN: 162-06-112-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with GOODMAN voting NO

MINUTES:

NOTE: See Item 154 [SUP-4287] for all related discussion.

(4:52 - 4:56)

6-668

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit SUP-4287.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the submitted plans date stamped 07/07/04.

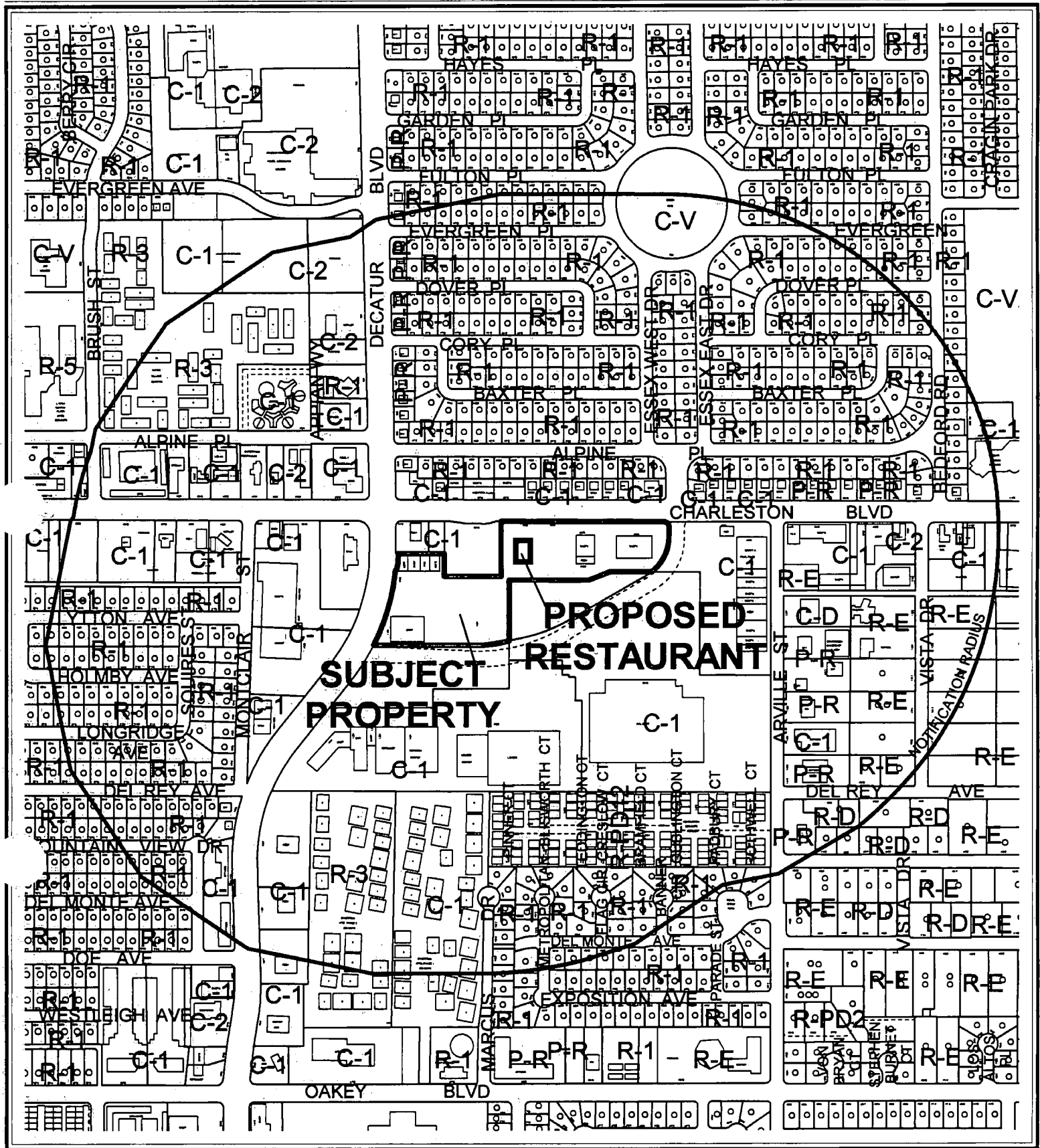
CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 155 – SDR-4286

CONDITIONS Continued:

4. A permanent underground sprinkler system shall be installed in all landscape areas and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. The diamond-shaped landscape planters depicted on the plan are not permitted by code, and shall be replaced with a five-foot wide landscape planter parallel to and extending the length of the abutting parking spaces.
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. The trash enclosure shall walled and roofed in accordance with the requirements of Title 19.08.045.
7. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
9. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

10. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
11. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
12. Site development to comply with all applicable conditions of approval for Z-75-62 and all other subsequent site-related actions.



CASE: SDR-4286

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)





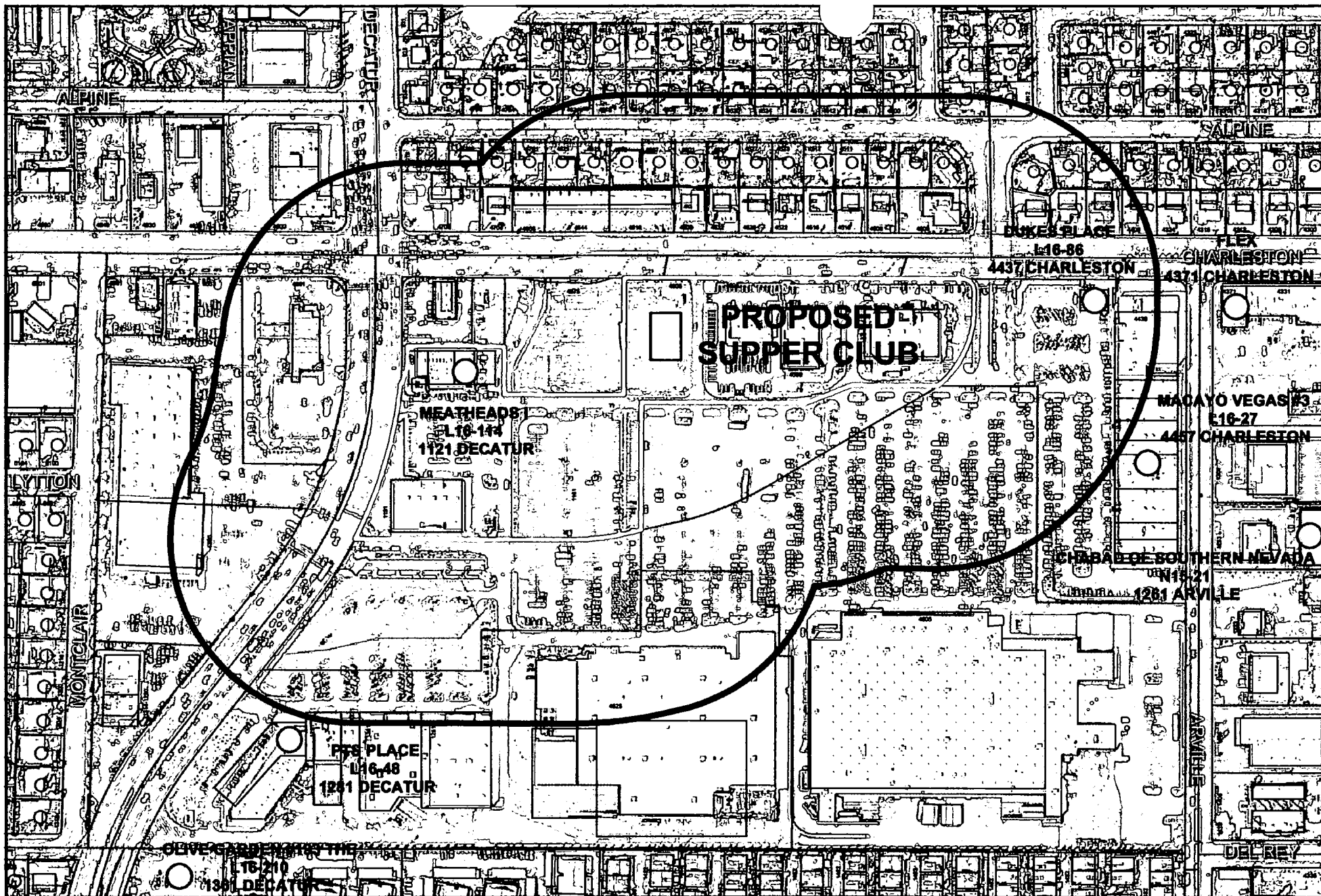
CASE: SDR-4286

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 400 800 Feet





SDR-4286

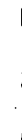
Protected Landuses

- | | |
|---------|-----------|
| Parks | Taverns |
| Schools | Religious |

Business Licenses

- | | |
|--|----------------------------------|
| Tavern | Child Care/
Children Facility |
| Supper Club/
Restaurant Service Bar | |

- | |
|------------------|
| Subject Property |
| 400 foot buffer |



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4286 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit SUP-4287.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the submitted plans date stamped 07/07/04.
4. A permanent underground sprinkler system shall be installed in all landscape areas and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. The diamond-shaped landscape planters depicted on the plan are not permitted by code, and shall be replaced with a five-foot wide landscape planter parallel to and extending the length of the abutting parking spaces.
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. The trash enclosure shall walled and roofed in accordance with the requirements of Title 19.08.045.
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8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
9. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

10. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
11. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
12. Site development to comply with all applicable conditions of approval for Z-75-62 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Site Development Plan Review for a Restaurant located adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard. A Special Use Permit (SUP-4287) for a supper club was submitted as a companion item.

B) Applicant's Justification

The applicant's justification letter indicates the proposed restaurant will also have a bar area and alcohol service in the restaurant. The applicant has also requested waivers to the landscape requirements.

BACKGROUND INFORMATION

A) Previous Actions

- 08/22/62 The Board of City Commissioners approved a request for Reclassification of property to C-1 (Limited Commercial) on a portion of the site (Z-0075-62). The Planning Commission recommended approval on 08/09/62.
- 10/04/00 The City Council approved a Site Development Plan Review [Z-0075-62(17)] for the overall 571,410 square foot commercial center on this site. The Planning Commission and staff recommended approval on 09/14/00.
- 05/27/04 The Planning Commission recommended approval of a related Special Use Permit application for a Supper Club (SUP-4287) as part of this agenda.
- 05/27/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #50/mp).

B) Pre-Application Meeting

- 03/23/04 A pre-application meeting was conducted and the applicant was advised of the requirements of the Site Development Plan Review. Additionally, the applicant was informed waivers would be necessary to allow the building as proposed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 8.99
Net Acres: 0.95

B) *Existing Land Use*

Subject Property: Undeveloped
North: Office and Commercial
South: Retail Commercial Center
East: Retail Commercial Center
West: Retail Commercial Center

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The site is designated SC (Service Commercial) on the Southeast Sector Plan Map of the General Plan. The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan designation of SC (Service Commercial).

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special plan areas or districts that affect this site.

PROJECT DESCRIPTION

The applicant is proposing to construct a restaurant with a total square footage of 5,903 square feet. This area includes an enclosed location for the trash enclosures and other mechanical equipment. The building is located within a larger commercial retail center with access provided

via a shared driveway from Charleston Boulevard. The floor plans indicate there will be 138 seats in the restaurant area with the bar separate from the main dining area. The building elevations depict the typical Applebee's corporate design with a stucco exterior with stone veneer and railing accents and a flat roof with a cornice detail.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A Feet	8.99 Acres	Y
Min. Lot Width	100 Feet	160 Feet	Y
Min. Setbacks			
• Front	20 Feet	75 Feet	Y
• Side	10 Feet	350 Feet	Y
• Corner	15 Feet	950 Feet	Y
• Rear	20 Feet	1000 Feet	Y
Max. Building Height	None	1 Story / 24 Feet	Y
Trash Enclosure	Must be enclosed and roofed	Located within a portion of the building	Y
Loading Zone	1	1	Y
Mech. Equipment	Must be screened	Shown screened	Y

The proposed development meets the minimum code requirements with regards to lot width, setbacks, building height, trash enclosure location, loading zone and mechanical equipment screening. This site is part of a larger commercial subdivision; therefore the setbacks are measured to the perimeter of the commercial lot.

A2) Residential Adjacency Standards

There are no residential properties adjacent to this request; therefore the Residential Adjacency Standards do not apply.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Supper Club / Seating Area	3,614	1 space / 50 GFA	73			
Other Areas	2,289	1 space / 200 GFA	12	0		0
Total	5903		85	4	63	4

The proposed site plan indicates a total of 62 new parking spaces (including 4 handicap accessible) will be provided with this development. Since this site is located within the larger commercial subdivision, the parking for the overall center must be considered to determine compliance. This new restaurant will require a total of 2,739 overall parking spaces. With the addition of the new spaces, a total of 2,834 spaces are provided. Therefore this development meets Title 19 parking requirements.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	11 Trees	12 Trees
Buffer:			
• Min. Trees	1 Trees/20 Linear Feet along Charleston Boulevard	7 Trees	7 Trees
• Min. Zone Width	15 Feet along Charleston Boulevard		15 Feet

The proposed landscape plan meets the minimum requirements of the code except for the required 6-foot wide planter around the perimeter of the building. The applicant has requested a waiver to allow a portion of the required planter to be eliminated.

A5) Sign Standards

Only wall signs on the face of the building have been proposed as part of this development. The walls signs shall not exceed 20% of the total square foot age of the building face. All other signage shall conform to the standards set forth in Title 19.14.

B) General Analysis and Discussion

• Zoning

The proposed restaurant is allowed use in the C-1 (Limited Commercial) zoning district. The proposed Supper Club use requires the approval of a Special Use Permit, which has been filed as a companion item.

- Site Plan

The proposed development meets the minimum code requirements and proposes a use that can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

- Waivers

The proposed waiver of a portion of the landscaping around the base of the building is minor in nature and acceptable for this development.

- Landscape Plan

The proposed landscape plan meets the minimum requirements of the code except for the required 6-foot planter around the perimeter of the building. The applicant has requested a waiver to allow a portion of the required planter to be eliminated

- Elevation

The proposed elevations are appropriate for the proposed use.

- Floor Plan

The submitted floor plans depict a layout that meets the requirements for the proposed supper club use.

FINDINGS

In order to approve a Site Development Plan application, per Title 19 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development meets the minimum code requirements and proposes a use that can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed restaurant is in conformance with the standards set forth in Title 19 for commercial developments with the exception of the landscaping around the base of building. The recommendation for the related waiver is for approval; therefore the development is acceptable as proposed.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Access is provided via a drive from Charleston Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed use.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The proposed elevations and landscape materials are appropriate for the proposed development.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposed elevations are appropriate for the proposed use and present a building that will be compatible with the surrounding development.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed use will be subject to regular City and County inspections and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED 634 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING &
DEVELOPMENT

DEVELOPMENT
SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4286**

APN: A Portion of 162-06-112-004

Name of Property Owner: Weingarten Nostat Inc.

Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

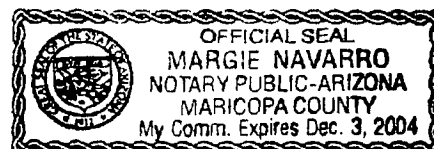
Signature of Property Owner/Authorized Agent: _____

Print Name: RAM CARUSO

Subscribed and sworn before me

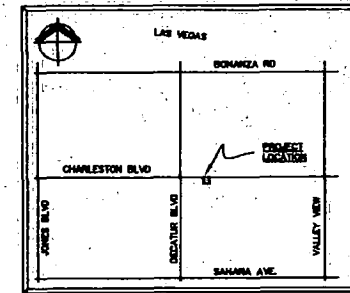
This 19th day of January, 2004
Margie Navarro

Notary Public in and for said County and State



-BASIS OF BEARINGS-
N89°34'09"W

CHARLESTON BLVD.
(100' ROW)



VICINITY MAP
NOT TO SCALE

SITE STATISTICS

BUILDING 4,950 SF.
22 PARKING SPACES PROVIDED (SEE LAYOUT SHEET)
22 PARKING SPACES PROVIDED (OTHER CORNER)

FAST FOOD
2,857 sf.

SITDOWN FOOD
3,300 sf.

Applebee's
Neighborhood Grill & Bar
4,950 sf.

FUTURE DEVELOPMENT

N89°34'09"W 160.67'

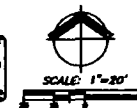
BASIS OF BEARINGS

NORTH SITUATION: BEARS THE CENTERLINE OF CHARLESTON BOULEVARD AND BEARS THE NORTH LINE OF THE NORTHWEST QUARTER AND 1/4 OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 30 EAST, CLARK COUNTY, NEVADA. AS SHOWN BY THE CORNER ON FILE IN RECORD NO. 1, PAGE 27 OF PLANS IN THE CLARK COUNTY RECORDS OFFICE, CLARK COUNTY, NEVADA.

BENCHMARK

CITY OF LAS VEGAS SECTION FOUR BENCHMARK, BEING A PIPE & PLATE IN TOP OF CURB AT THE NORTHEAST CORNER OF CHARLESTON AND SAHARA.

ELEVATION
FEET = 2295.47 (MANNING)



SITE PLAN

APPLEBEE'S GRILL AND BAR • WESTLAND FARM

CITY OF LAS VEGAS, NEVADA

APRIL 27, 2004

REV. DATE BY

PROJECT NO.
APB2906

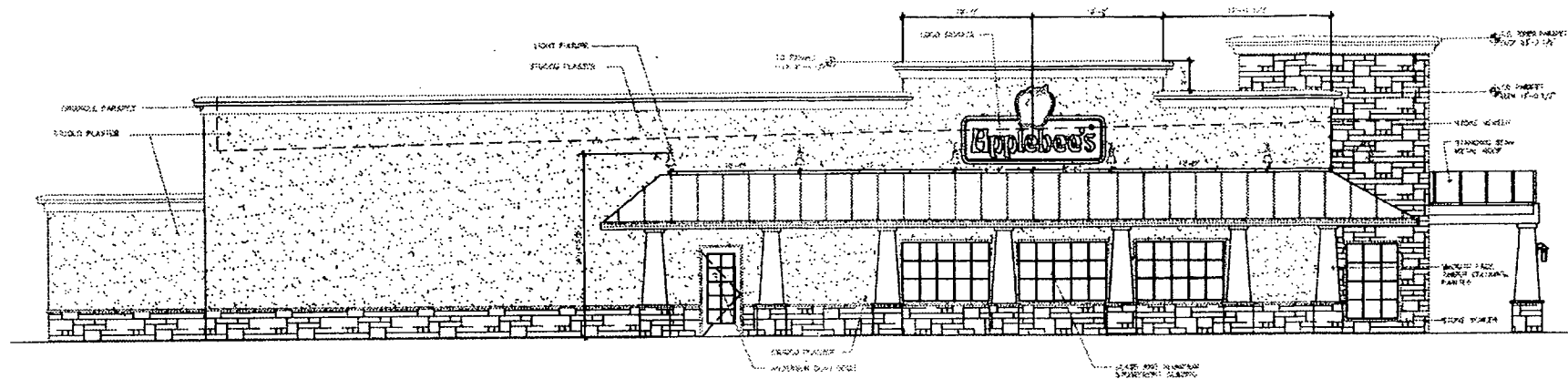
DATE 04/27/04
DESIGNED JCT
ENGINEER JCT
CHECKED JCT

SHEET TITLE
SITE PLAN
SHEET NUMBER

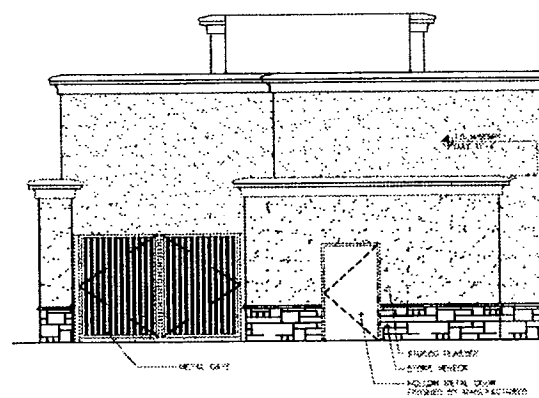
EX1
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REVISED
4.28.04

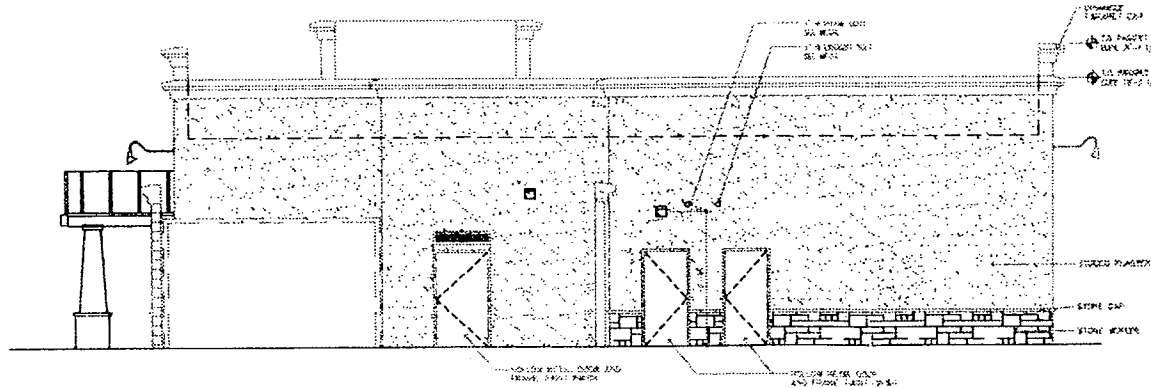
SDR-4286
5-27-04 PC



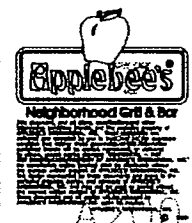
LEFT SIDE ELEVATION ③



REAR ELEVATION ②



REAR ELEVATION THROUGH TRASH ENCLOSURE ①

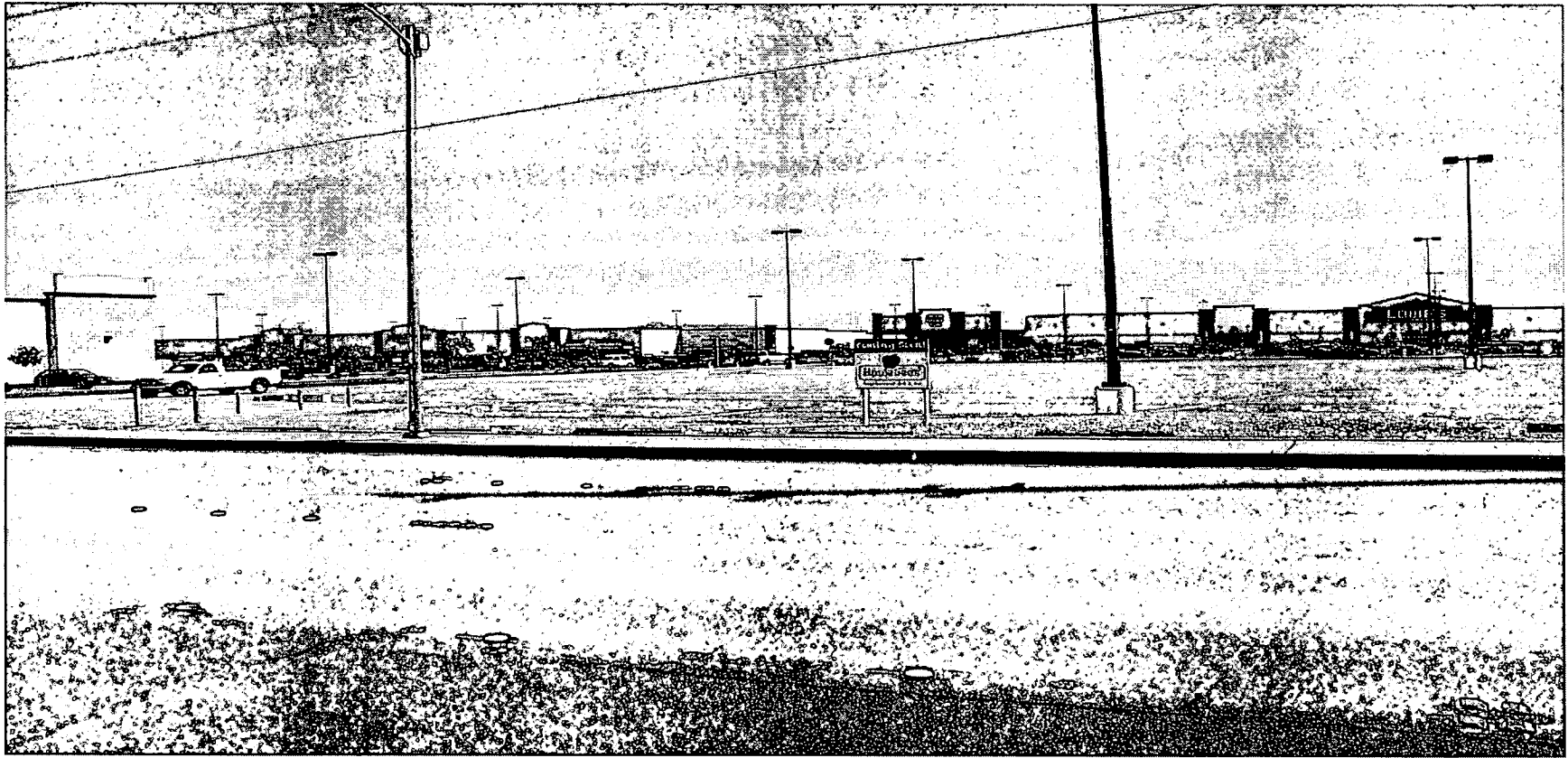


SCALE:

APPROXIMATE
LIFT VIEWS
OCEAN BLVD. &
CHASSERON BLVD.
LOS ANGELES, CALIF.

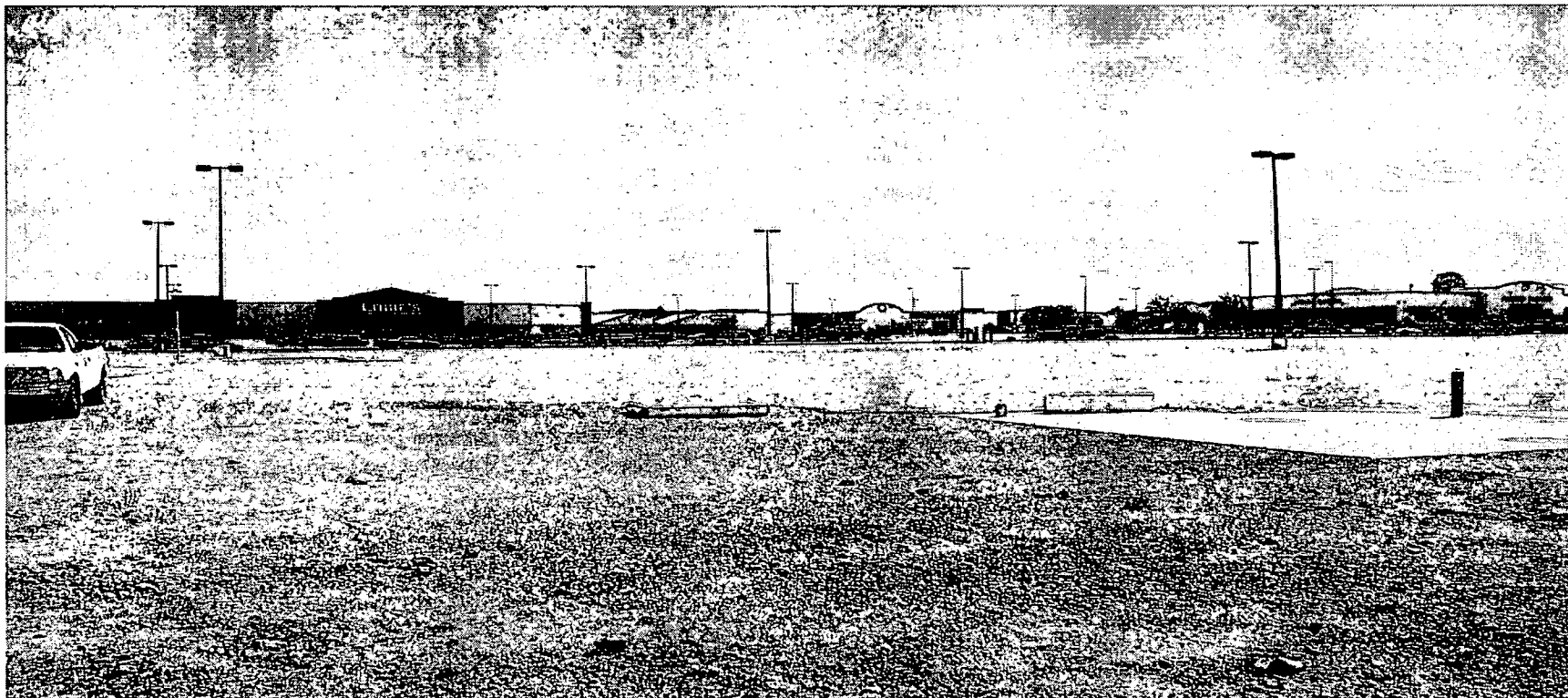
6-14-03

SDR-4286
5-27-04 PC



**SDR-4286 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC.
SOUTH SIDE OF CHARLESTON BOULEVARD, APPROXIMATELY 480 FEET EAST OF DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION**

04/29/04



**SDR-4286 - APPLICANT: APPLEBEE'S - OWNER: WEINGARTEN NOSTAT, INC.
SOUTH SIDE OF CHARLESTON BOULEVARD, APPROXIMATELY 480 FEET EAST OF DECATUR BOULEVARD
MAY 27, 2004 PLANNING COMMISSION**

04/29/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4295 - APPLICANT/OWNER: DOUG AND BRENDA ROBINSON - Request for a Special Use Permit FOR A CASITA at 8401 Bonnie Blue Street (APN: 125-08-717-031), R-PD3 (Residential Planned Development 3 Units Per Acre) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 5/27/2004 Planning Commission Item 53

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS with MONCRIEF not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

BRENDA ROBINSON, 8401 Bonneville Street, appeared and stated concurrence with staff recommendations.

COUNCILMAN MACK indicated that the applicant has an exceptionally deep plot and the plans are well designed.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:56 – 4:57)

6-685

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 156 – SUP– 4295

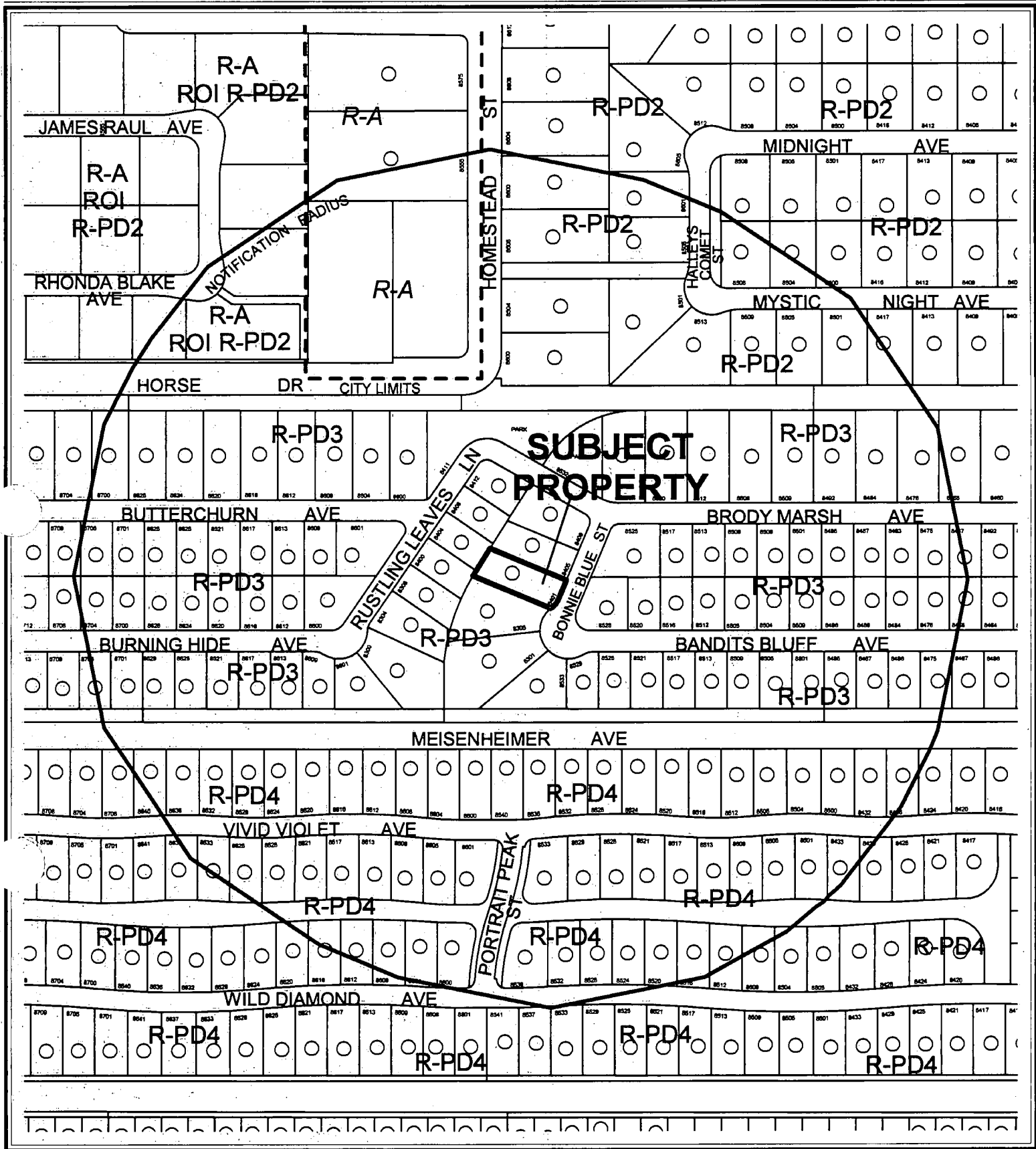
CONDITIONS:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Conformance to the site plan and elevations as submitted.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.



CASE: SUP-4295

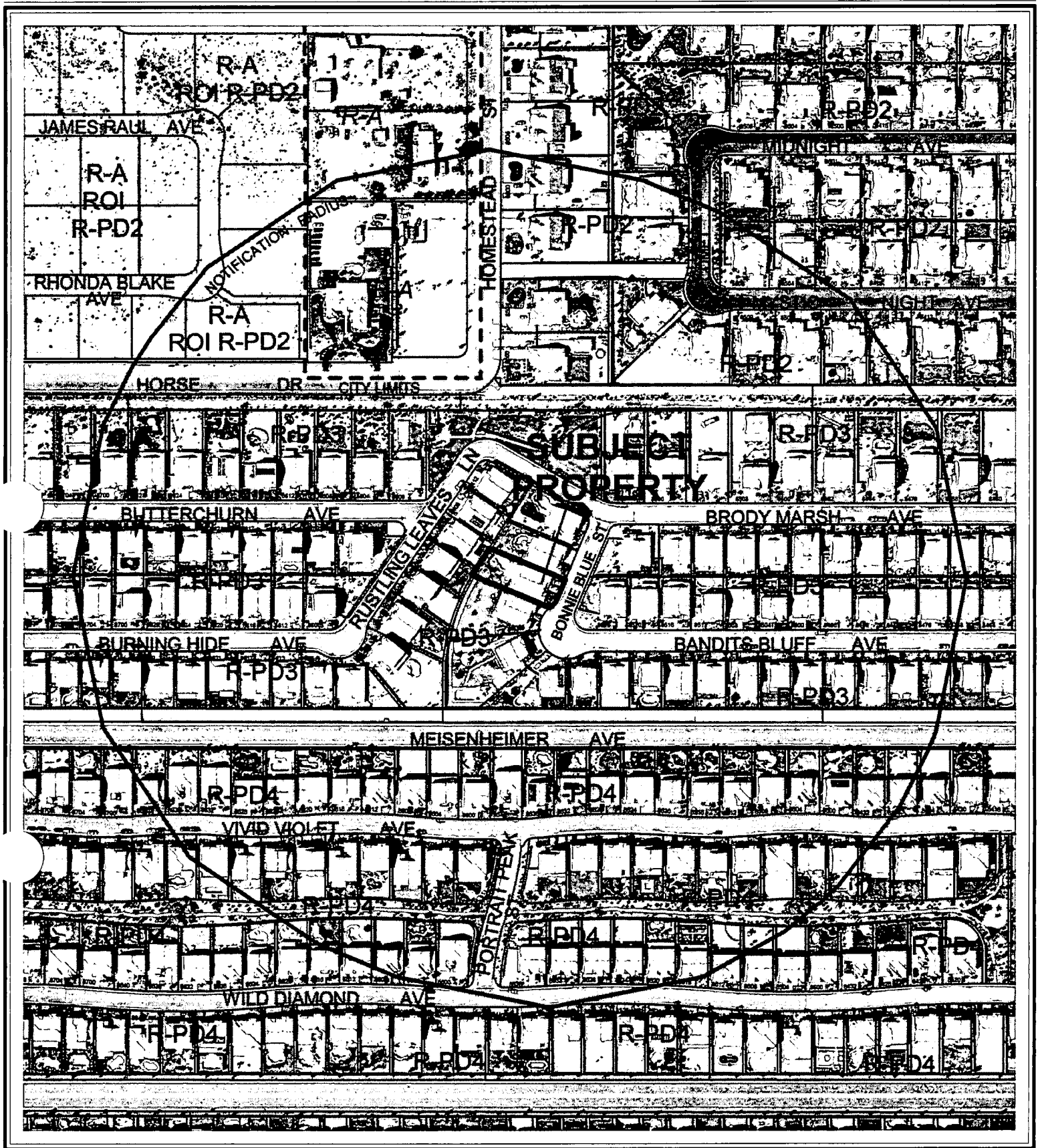
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

156





CASE: SUP-4295

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-4295 - APPLICANT/OWNER: DOUG AND BRENDA ROBINSON

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Conformance to the site plan and elevations as submitted.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit for a casita at 8401 Bonnie Blue Street.

B) Applicant's Justification

The applicant's justification letter indicates the casita will provide additional living space and will match the existing single-family residence on this site.

BACKGROUND INFORMATION

A) Previous Actions

- 02/02/94 The City Council approved a Rezoning (Z-132-93) to R-PD3 (Residential Planned Development – 3 Units Per Acre) zoning for this site as part of a larger request. The Planning Commission and staff recommended approval on January 13, 1994.
- 10/02/99 The City Council approved a Plot Plan Review [Z-132-93(3)] for the overall Spring Mountain Ranch single-family residential development. The Planning Commission and staff recommended approval on September 26, 1996.
- 05/27/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #53/mp).

B) Pre-Application Meeting

- 03/26/04 The applicant was advised of the requirements of a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.22

B) Existing Land Use

Subject Property: Single Family Residence
 North: Single Family Residence
 South: Single Family Residence
 East: Single Family Residence
 West: Single Family Residence

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
 North: PCD (Planned Community Development)
 South: PCD (Planned Community Development)
 East: PCD (Planned Community Development)
 West: PCD (Planned Community Development)

D) Existing Zoning

Subject Property: R-PD3 Residential Planned Development – 3 Units Per Acre
 North: R-PD3 Residential Planned Development – 3 Units Per Acre
 South: R-PD3 Residential Planned Development – 3 Units Per Acre
 East: R-PD3 Residential Planned Development – 3 Units Per Acre
 West: R-PD3 Residential Planned Development – 3 Units Per Acre

E) General Plan Compliance

The site is designated PCD (Planned Community Development) on the Centennial Hills Interlocal Plan Map of the General Plan. The existing R-PD3 (Residential Planned Development – 3 Units Per Acre) Zoning designation is in conformance with the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

- 1) Any Special Use Permit within 500' of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

No comments have been received that affect the proposed casita.

The Planning Commission considers the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Zoning Code Standards

Pursuant to Title 19.04.040 casitas are allowed on single-family lots as a conditional use. One of the conditions requires the lot to be a minimum of 80 feet wide. In this case the subject lot is 60 feet wide. The Code states if one of the conditional standards is not met, a Special Use Permit is required.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed casita.

B) General Analysis and Discussion

- **Zoning**

The proposed casita is permitted on a lot less than 80 feet wide in the R-PD3 (Residential Planned Development – 3 Units Per Acre) zoning district with the approval of a Special Use Permit.

- **Use**

The submitted plans indicate the casita will be a one-room structure with a bathroom and closet. It is located to the rear of the existing lot and meets the minimum setbacks for a detached accessory structure. The proposed casita use will not adversely affect the current or future surrounding uses in this single-family development. Therefore, the recommendation is for approval.

FINDINGS

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 casita use will not adversely affect the current or future surrounding uses in this single-family development.

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

The proposed casita is located in the rear yard of an existing single-family lot and meets all the required setbacks. Therefore the site is physically suitable for this 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.”**

The proposed casita is located on an existing single-family lot and will not affect the adjacent roadways.

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.”**

The proposed casita will be subject to inspection prior to occupancy, and therefore will not compromise the public health, safety and welfare.

NOTICES MAILED 185 by City Clerk

APPROVALS 1

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4295** APN: 125-08-717-031

Name of Property Owner: DOUG & BRENDA ROBINSON

Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: N/A

Partner(s): _____

APN: _____

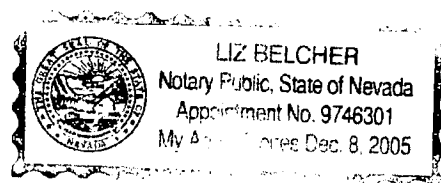
Signature of Property Owner/Authorized Agent: B. Robinson

Print Name: BRENDA ROBINSON

Subscribed and sworn before me

This 20th day of March, 2004

[Signature]
Notary Public in and for said County and State



ADDRESS: 8401 BONNIE BLUE ST.

PARCEL NO.: 12508717031

REC. SUBDIVISION: SPRING MOUNTAIN RANCH UNIT 3

ZONE:

PLAN CHECK: LOT: 83 BLOCK: 2 BOOK: 81 PAGE: 22

APPROVAL FOR: SFD ☐ PATIO COVER ☐ BALCONY ☐ ONLY

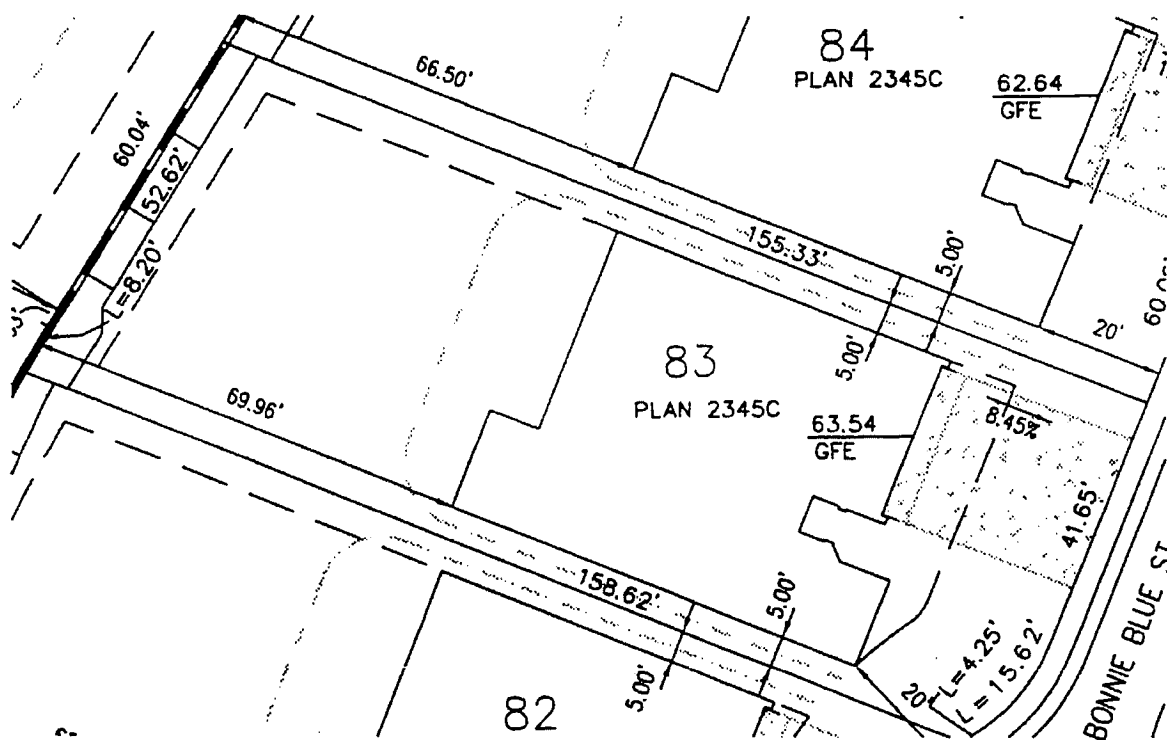
1"=30'

FOR GRADING INFORMATION SEE
APPROVED GRADING PLAN.

MINIMUM SETBACKS

FRONT 20.00'
REAR 10.00'
SIDE YARD 5.00'
SIDE YARD CORNER 10.00'

Carter Burgess



**SUP-4295
5-27-04 PC**

CONTRACTOR/AGENT/OWNER

DATE

STATE LICENSE NO.

CITY LICENSE NO.

CONTACT NAME

PHONE NO.

FAX NO.

CONDITIONS

PLANNING DEPARTMENT

DATE

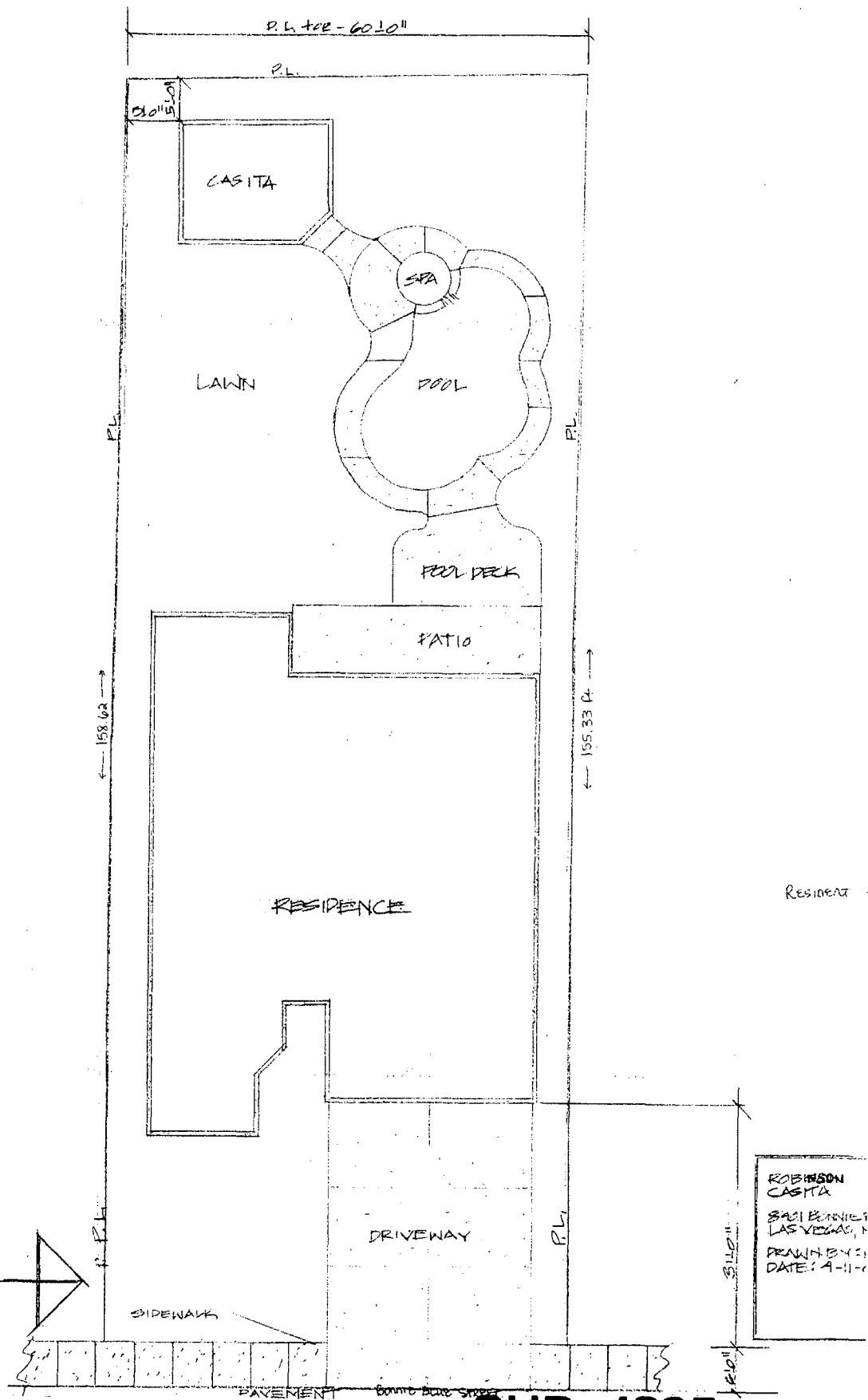
BUILDING DEPARTMENT

DATE

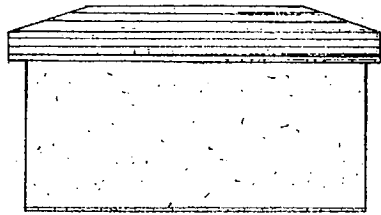
LAND DEVELOPMENT

DATE

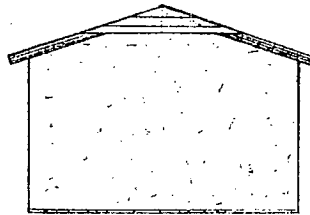
I HEREBY CERTIFY THAT I HAVE REVIEWED THIS APPLICATION AND THE PROPOSED PLANS AND HAVE FOUND THAT THE PROPOSED DEVELOPMENT MEETS THE REQUIREMENTS OF THE CITY OF LAS VEGAS FLOOD HAZARD REDUCTION ORDINANCE FOR THE ISSUANCE OF THIS DEVELOPMENT PERMIT.



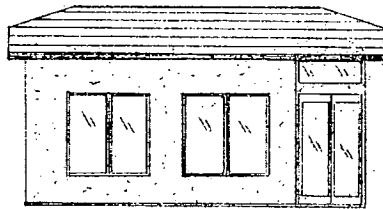
SUP-4295
5-27-04 PC



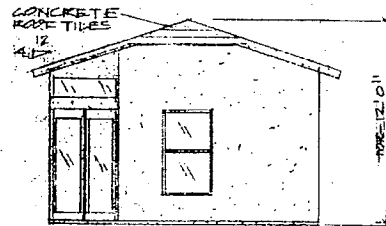
WEST ELEVATION
SCALE 3/4" = 1'-0"



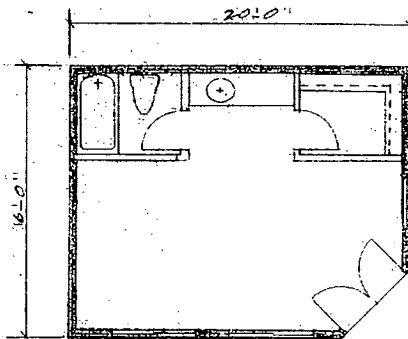
SOUTH ELEVATION
SCALE 3/4" = 1'-0"



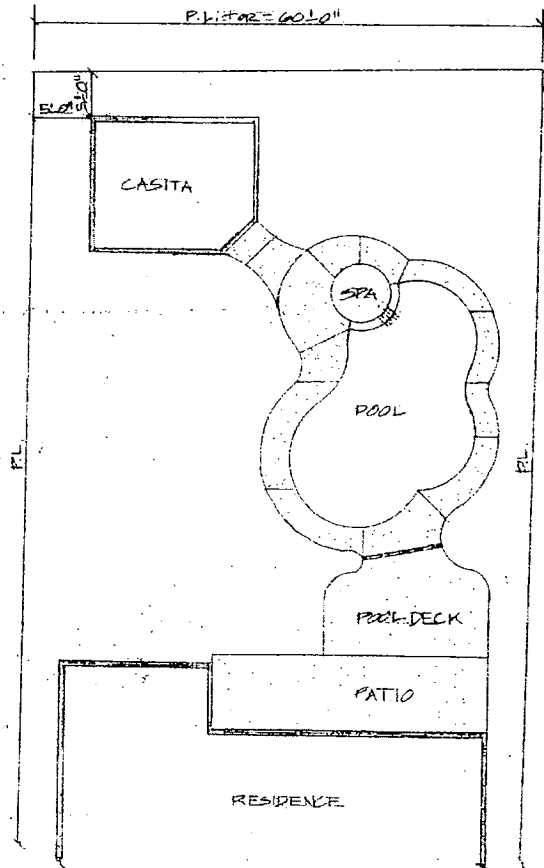
EAST ELEVATION
SCALE 3/4" = 1'-0"



NORTH ELEVATION
SCALE 3/4" = 1'-0"



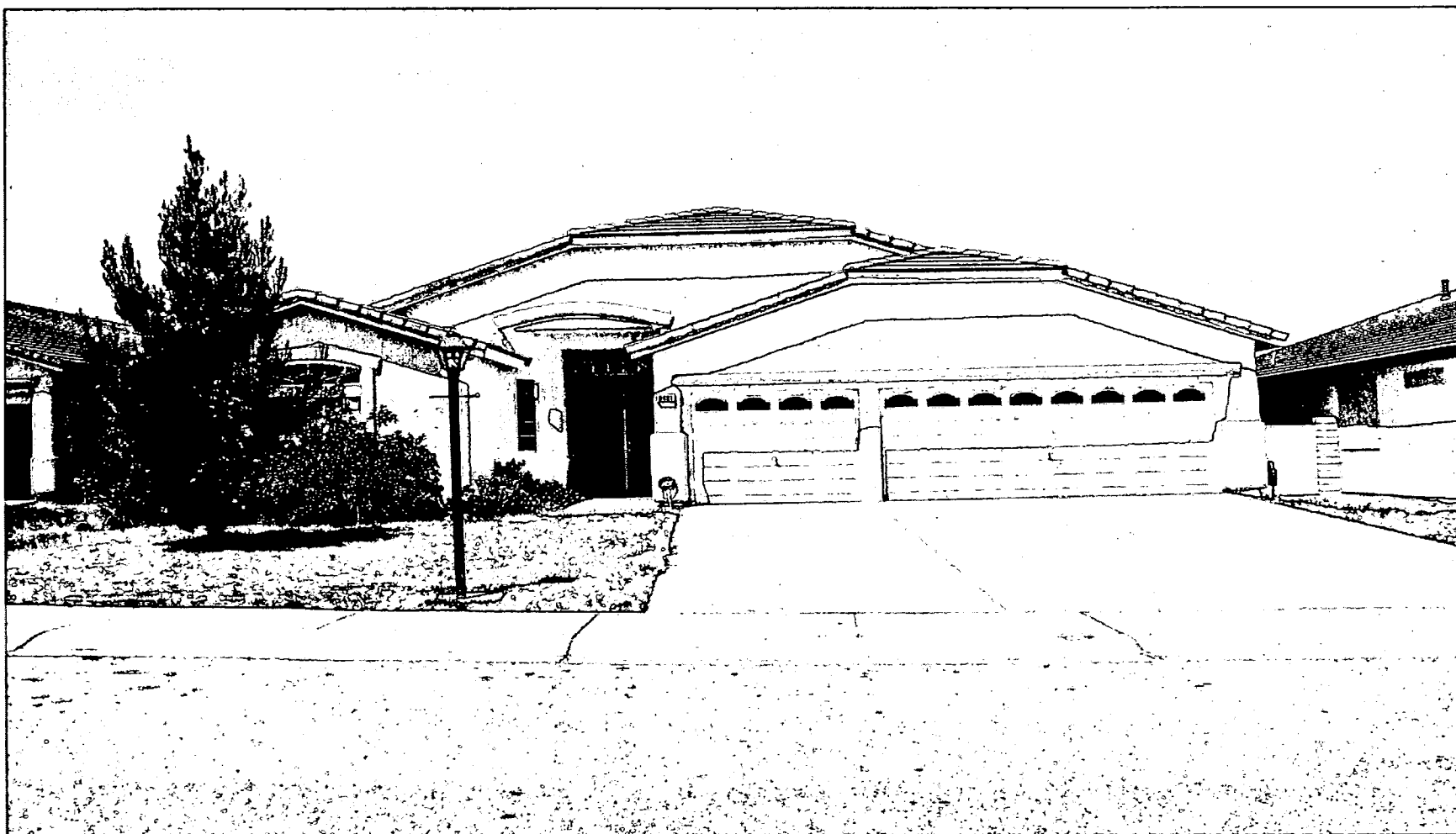
FLOOR PLAN
SCALE 3/4" = 1'-0"



SITE PLAN
SCALE 3/4" = 1'-0"

SUP-4295
5-27-04 PC

NORTH →
ROBINSON
CASITA
3501 BONNIE BLVD
LAS VEGAS, NV.
DRAWN BY YSRH
DATE 02-08-04



SUP-4295 - APPLICANT/OWNER: DOUG AND BRENDA ROBINSON
8401 BONNIE BLUE STREET
MAY 27, 2004 PLANNING COMMISSION

4/30/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4313 - APPLICANT: MARK FISHER - OWNER: BUFFALO WASHINGTON IV, LIMITED LIABILITY COMPANY
- Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND WAIVER OF THE 400-FOOT DISTANCE SEPARATION REQUIREMENT FROM A PARCEL ZONED FOR RESIDENTIAL USE at 7455 West Washington Avenue (APN 138-27-301-020), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 2 (Vacant). (NOTE: This item to be heard in conjunction with Morning Session Item #83). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/10/2004 Planning Commission Item 47
5. Submitted after final agenda – Protest letter from Michael P. Curley

MOTION:

WOLFSON – APPROVED subject to conditions – UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that a SuperPawn owned by his brother, Steven Mack, is located near this site. Even though he is a consultant for SuperPawn, COUNCILMAN MACK did not believe this matter would have any impact on SuperPawn; therefore, he felt comfortable voting.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARK FISHER, 10329 Pompei Place, appeared and informed Council that the proposed project would be located in the Longford Medical Center. The proposed project will specialize in more of a medical massage style than practiced at the existing location at 5300 West Sahara Avenue.

CITY COUNCIL MEETING OF JULY 7, 2004
Planning and Development Department
Item 157 – SUP-4313

MINUTES Continued:

MR. FISHER explained that there will be a four story parking garage located between the building and the nearest residential area and he feels that will provide an adequate buffer

COUNCILMAN WOLFSON asked MR. FISHER to give a brief description of medical massage for the record. MR. FISHER explained that the existing location on Sahara receives a lot of clientele from the athletic club next door. The new location will offer a variety of sport, medical and spa massages at affordable prices. MR. FISHER noted that all of the therapists employed are both nationally certified and licensed by the City.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

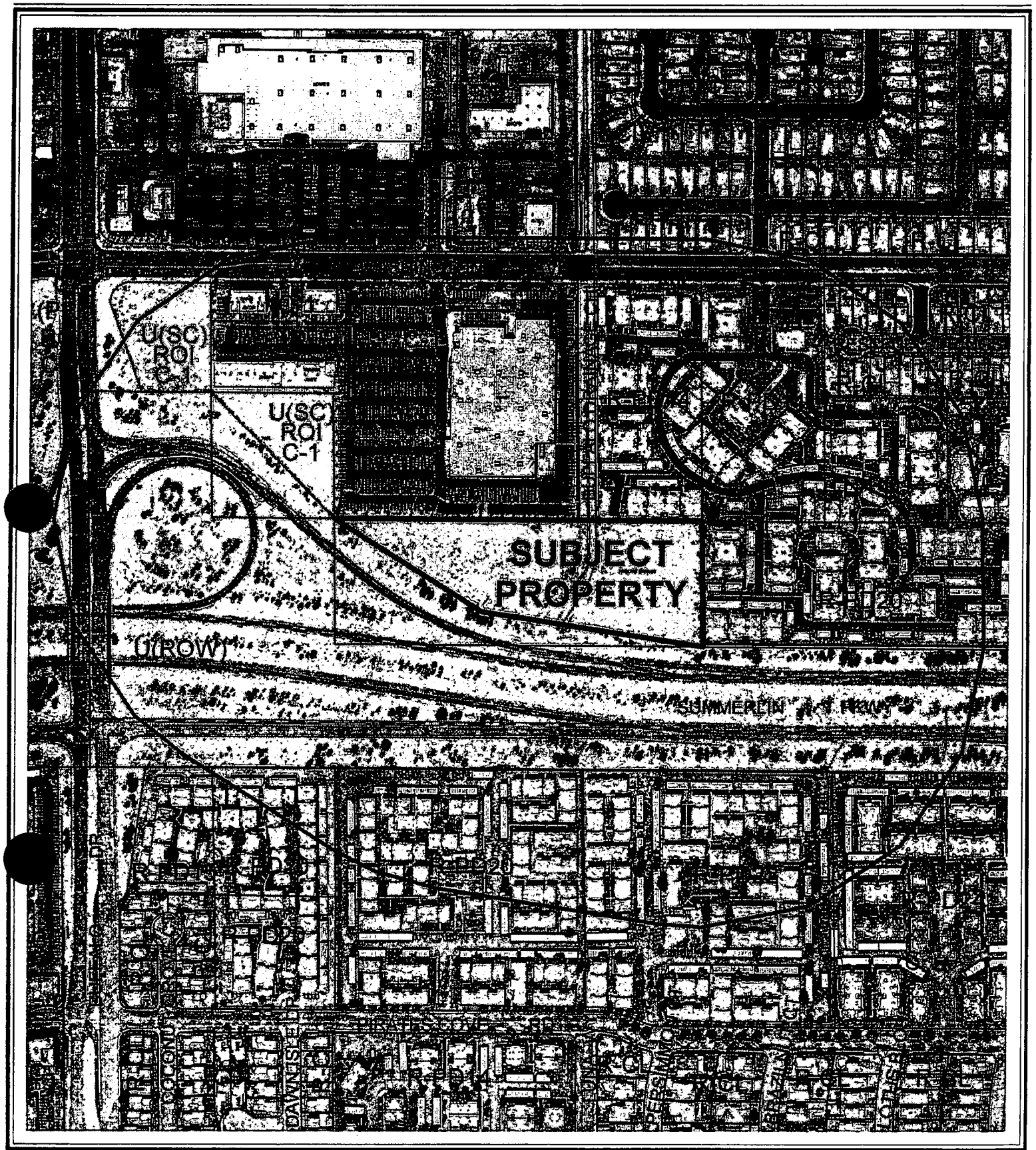
NOTE: All discussion for Item 157 [SUP-4313] and Item 83 [Mark Fisher, dba Massage Pro] was held under Item 157 [SUP-4313].

(4:57 – 5:02)
6-719

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Massage Establishment use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-1830).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. A Waiver is approved to the distance separation standard from residential uses.



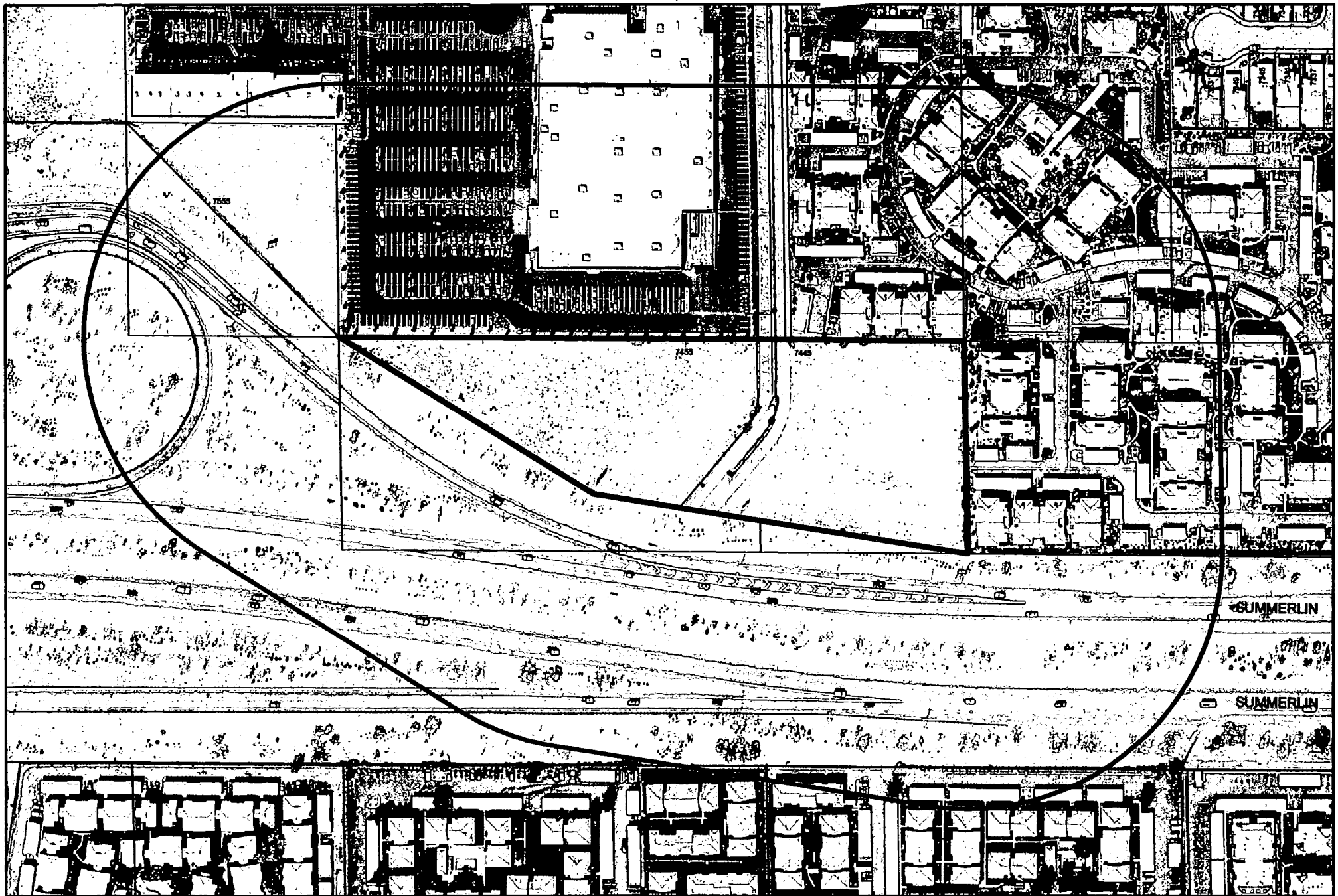
CASE: SUP-4313

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)





SUP-4313 MESSAGE ESTABLISHMENT

Protected Landuses

-  Parks
-  Religious
-  Schools

Business Licenses

-  Massage Establishment
-  Child Care/
Children Facility



Subject Property



Buffers

0 160 320 640 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4313 - APPLICANT: MARK FISHER - OWNER:
BUFFALO WASHINGTON IV, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Massage Establishment use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-1830).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. A Waiver is approved to the distance separation standard from residential uses.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit for a proposed Massage Establishment and a Waiver of the 400-foot distance separation requirement from a parcel zoned for residential use on property located at 7455 West Washington Avenue.

B) Applicant's Justification

The proposed Massage Establishment will offer exclusively therapeutic massage by licensed practitioners. An increasing number of insurance companies are adding massage to their policies, prompting the need for this service.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 12/07/94 | The City Council approved a Rezoning to C-1 (Limited Commercial) for the western portion of this site as part of a larger request (Z-0131-94). The Planning Commission and staff recommended approval on 11/10/94. |
| 08/15/01 | The City Council approved a Rezoning (Z-0044-01) to C-1 (Limited Commercial) for the eastern portion of this site. Staff recommended approval. The Planning Commission recommended approval on 07/12/01. |
| 11/06/02 | The City Council approved a Site Development Plan Review [Z-0044-01(1)] for a 110,282 square foot office building and parking garage on this property. The Planning Commission and staff recommended approval on 09/26/02. |
| 03/27/03 | The Planning Commission approved a request for a Site Development Plan Review (SDR-1830) and a Reduction in the amount of on-site landscape requirements for a proposed 132,000 square-foot medical office complex and a 193,840 square-foot, four-level parking garage on the subject site. Staff recommended approval. |
| 06/10/04 | The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #47/ss). |

B) Pre-Application Meeting

04/12/04 The applicant explained that the proposed massage establishment would offer strictly therapeutic massage and would be located within an approved medical office building. The applicant was informed that a waiver for the distance separation requirement from residential property would have to be requested for approval by the Planning Commission and City Council.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 5.06

B) Existing Land Use

Subject Property: Medical Office and Parking
North: Retail Commercial
South: Summerlin Parkway
East: Multi-Family Residential (Apartments)
West: Summerlin Parkway/Buffalo Drive Interchange

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: ROW (Right-of-Way)
East: SC (Service Commercial)
West: ROW (Right-of-Way)

D) Existing Zoning

Subject Property: U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial)
North: U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial); R-PD14 (Residential Planned Development – 14 Units Per Acre)
South: U (Undeveloped)
East: R-PD20 (Residential Planned Development – 20 Units Per Acre)
West: U (Undeveloped)

E) General Plan Compliance

This property is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning is compatible with this land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Map Number 2 of the Transportation Trails Element of the General Plan indicates that a 20-foot wide multi-use trail ("Bonanza Trail") is required along the southern portion of the site adjacent to the Summerlin Parkway right-of-way. The "Lone Mountain" Trail is also required around the east side of the parking garage and extending north along the 50-foot drainage easement.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses		Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Massage Establishment	12 Massage tables	Two spaces per massage room, table or chair, with a minimum of six spaces	24	--	746	15

The proposed Massage Establishment must contribute at least 24 parking spaces to the overall total for the medical office building, based on the number of massage tables expected. The total number of spaces proposed for the site is 761, including 15 handicap spaces. A determination has yet to be made about the actual number of accessible spaces, based on a UBC (Uniform Building Code) requirement for medical care occupancies. The four-level on-site parking garage will be able to accommodate the proposed Massage Establishment.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Massage Establishment	May not be located within 400 feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use	Multi-family residential uses adjacent to the north and east
	May not be located within 1,000 feet of any other massage establishment	No other massage establishments within 1,000 feet

The proposed Massage Establishment cannot meet the 400-foot distance separation requirement from a parcel directly adjacent to the north zoned R-PD14 (Residential Planned Development – 14 Units per Acre) and a parcel directly adjacent to the east zoned R-PD20 (Residential Planned Development – 20 Units per Acre). A waiver from this base condition of the Special Use Permit has been requested by the applicant.

B) General Analysis and Discussion

- **Zoning**

The subject property is zoned C-1 (Limited Commercial). The Massage Establishment use is permitted in this zoning district with approval of a Special Use Permit.

- **Use**

The proposed Massage Establishment would occupy a suite within the recently approved Longford Medical Center, a four-story, state-of-the-art medical office complex. The type of massage that would be practiced would be strictly therapeutic. The business would function similar to other medical offices within the same building. According to the floor plan, 12 rooms will be designed for therapy, with a table in each room.

A waiver from the 400-foot distance separation requirement from two adjacent parcels zoned for multi-family residential uses was requested by the applicant in conjunction with the Special Use Permit. This waiver is acceptable, since the practice is medically related and will function in the same way as the other medical offices within the medical office complex. In addition, the Longford Medical Center property is screened from the residential properties by existing block walls and the newly constructed parking garage.

- Conditions

Title 19.04.050 lists the following specific base conditions for the approval of a Special Use Permit request for a Massage Establishment:

- (1) The use shall comply with all applicable requirements of LVMC Title 6.
- (2) The use must be located on a secondary thoroughfare or larger.
- (3) The use may not be located within four hundred feet of any church, synagogue, school, City park, childcare facility, or any parcel zoned for residential use.
- (4) The use may not be located within one thousand feet of any other massage establishment.
- (5) The hours of operation shall be limited to the period between eight a.m. and nine p.m., unless further limited by the City Council on a case-by-case basis.

Any of the preceding conditions may be waived by the Planning Commission or City Council, if convincing and substantial evidence is presented demonstrating that the City's objective in safeguarding the public interest is not compromised. The proposed Massage Establishment can comply with these conditions, excluding the distance separation requirement for which a waiver is sought.

FINDINGS

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 Massage Establishment will be offering a medical service typical of other offices within the same building. The use is permitted within the C-1 (Limited Commercial) zoning district with approval of this Special Use Permit. The fact that the proposed Massage Establishment will be located on property that is less than 400 feet from residentially-zoned parcels is mitigated by the intended medical office setting and the screening provided by walls on the north and east property lines and by a four-story parking garage between the medical office building and the protected property.

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

The subject site, which contains an approved building (currently under construction) with medical offices, can easily accommodate the impacts of the proposed Massage Establishment, which are expected to be minimal.

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.”**

The subject site is accessed via the Buffalo Channel Driveway, which provides access to Washington Avenue, an 80-foot wide Secondary Collector as designated on the Master Plan of Streets and Highways. These roadways will be adequate in capacity to meet the expected needs of the proposed Massage Establishment 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.”**

The proposed Massage Establishment will be subject to inspections for business licensing and for a Certificate of Occupancy, and will not compromise the public health, safety or welfare.

NOTICES MAILED 300 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4313** APN: 138-27-301-020
Name of Property Owner: Longford Medical Center, LLC
Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

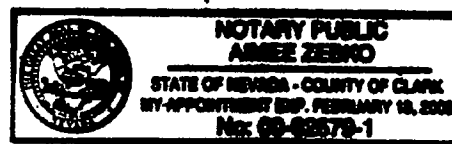
Signature of Property Owner/Authorized Agent: _____

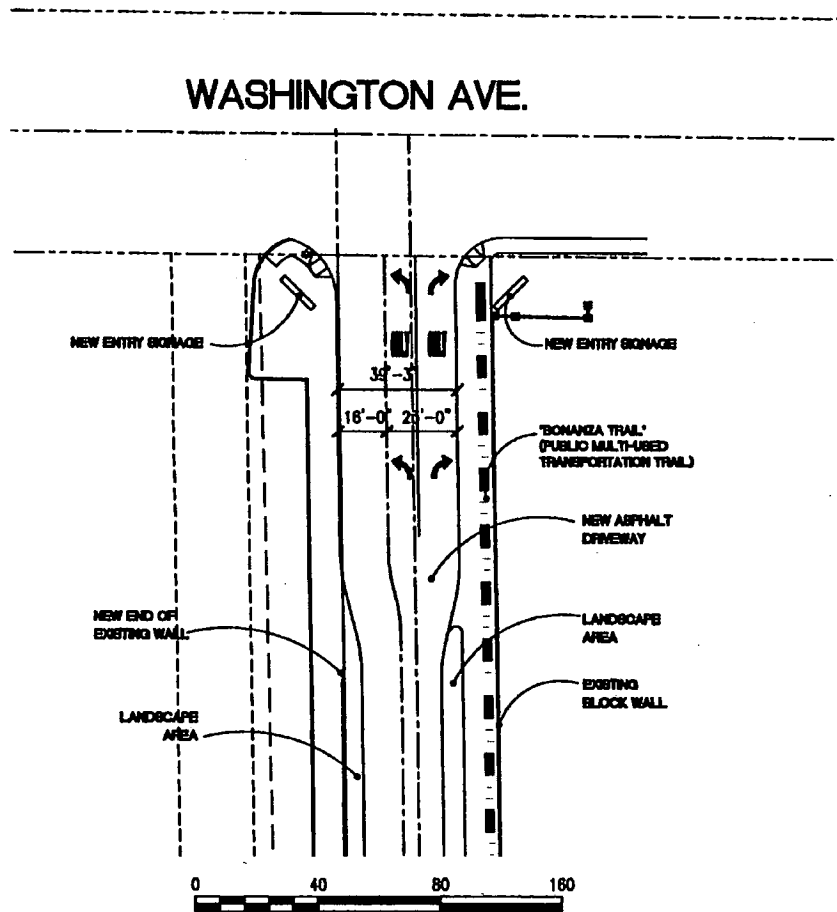
Print Name: _____

Subscribed and sworn before me

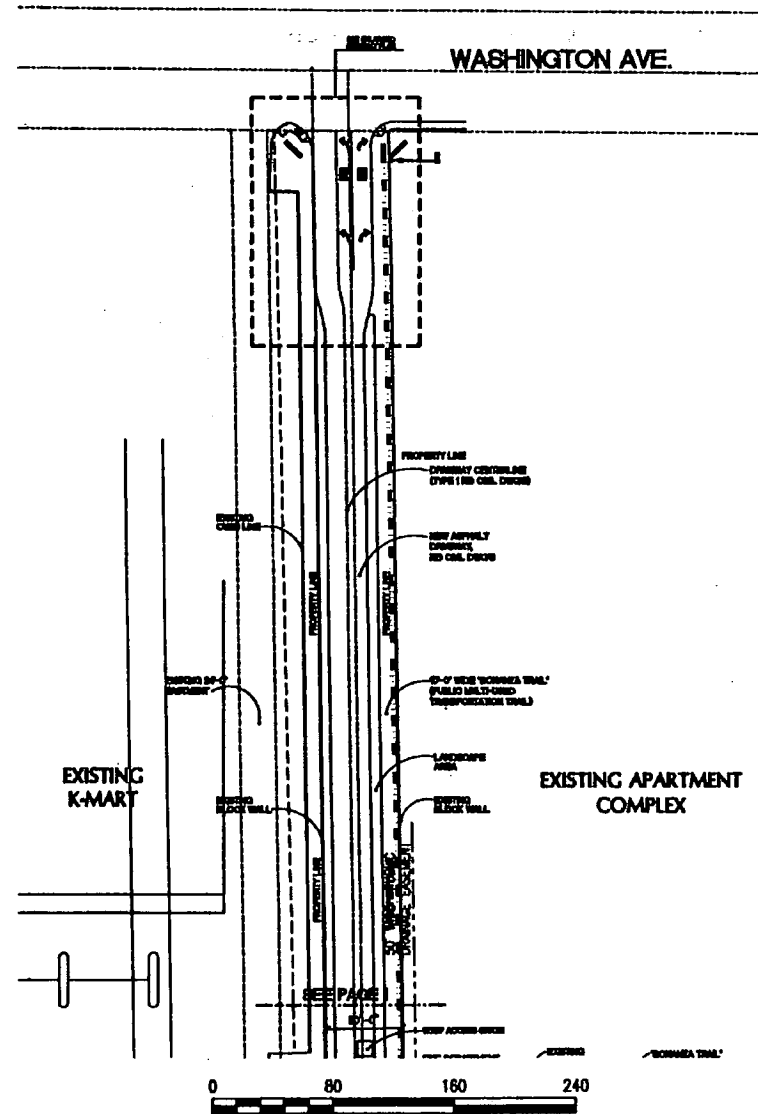
This 7th day of April, 2024

Aimee Zepko
Notary Public in and for said County and State





20 MARCH 2003

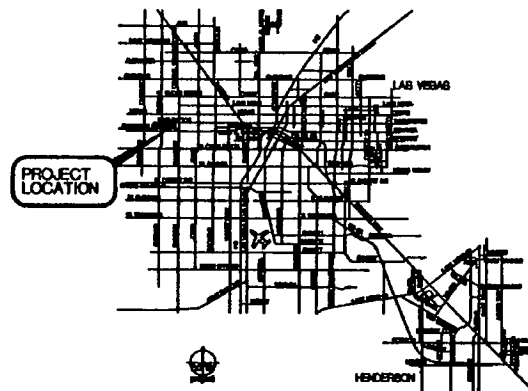


PAGE 2 OF 2

SITE PLAN - DRIVE ACCESS
LONGFORD MEDICAL OFFICE BUILDING
LAS VEGAS, NEVADA

PGAL
CORPORATION

SUP-4313
6-10-04 PC



SITE INFORMATION

ZONING
C-1 Limited Commercial
AREA (Approximate)
Net Area 220,000 sq ft 5.08 acres

BUILDING AREA
Medical Office Building
First Floor 83,000 sq ft
Second Floor 83,000 sq ft
Third Floor 83,000 sq ft
Fourth Floor 83,000 sq ft

Total 332,000 sq ft

Parking Garage
First Level 82,500 sq ft
Second Level 82,500 sq ft
Third Level 82,500 sq ft
Fourth Level 82,500 sq ft

Total 330,000 sq ft

Total 662,000 sq ft

Total Building Area 340,000 sq ft

FAR
Total building area/sq ft 66,000/220,000 0.30
Medical building area/sq ft 83,000/220,000 0.38

PARKING REQUIREMENTS

Medical Office Building
First 2,000 sq ft = 1 per 100 2,000/200 = 10
1 per 50 83,000/50 = 1,660

Total Required 1,670

Parking Provided
On Site Parking
Garage Parking
Level 01 144
Level 02 152
Level 03 152
Level 04 152

Total Provided 599

Parking Ratio 0.8 per 1,000 1 per 100

NO Parking Required 10
NO Parking Provided 10

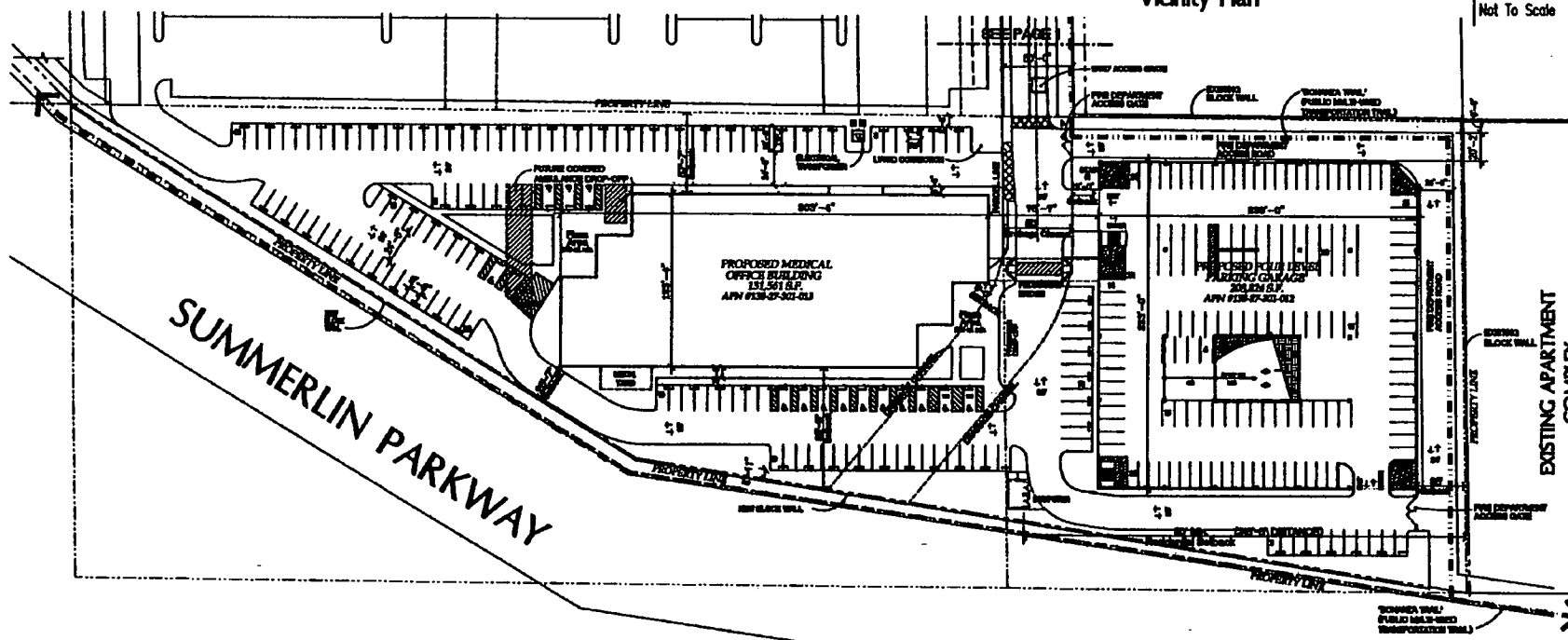
Loading Spaces Required 1
Loading Spaces Provided 1

LANDSCAPE AREA (Approximate)
Minimum Required 80 %
Provided 100 % / 100 % = 100 %

SETBACKS
Front 30 ft
Side 10 ft
Corner 10 ft
Rear 10 ft
Landscape on Summerlin Parkway 0 ft

BUILDING HEIGHT
Maximum Allowed Unlimited
Provided 1 to 4-story = 30 ft

BUILDING COVERAGE
Maximum Allowed 80 %
Provided 98 %



30 MARCH 2003



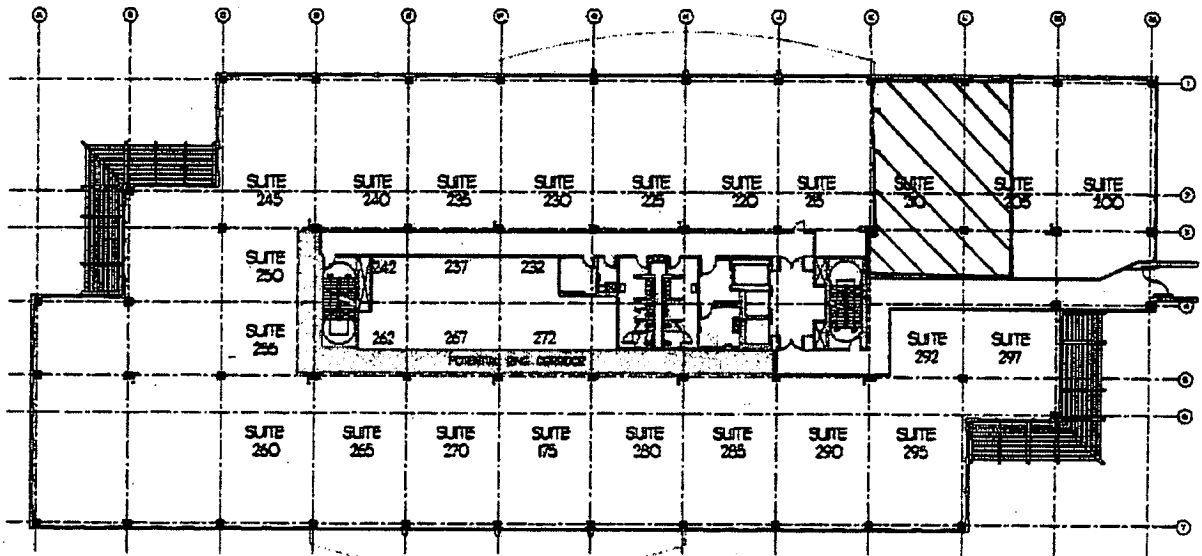
SUP-4313
6-10-04 PC

SITE PLAN
LONGFORD MEDICAL OFFICE BUILDING
LAS VEGAS, NEVADA

PAGE 1 OF 2

PGAL
Copyright

EXHIBIT A-2
SUITE LOCATION PLAN



REVISION 11, 2003



NOT TO SCALE

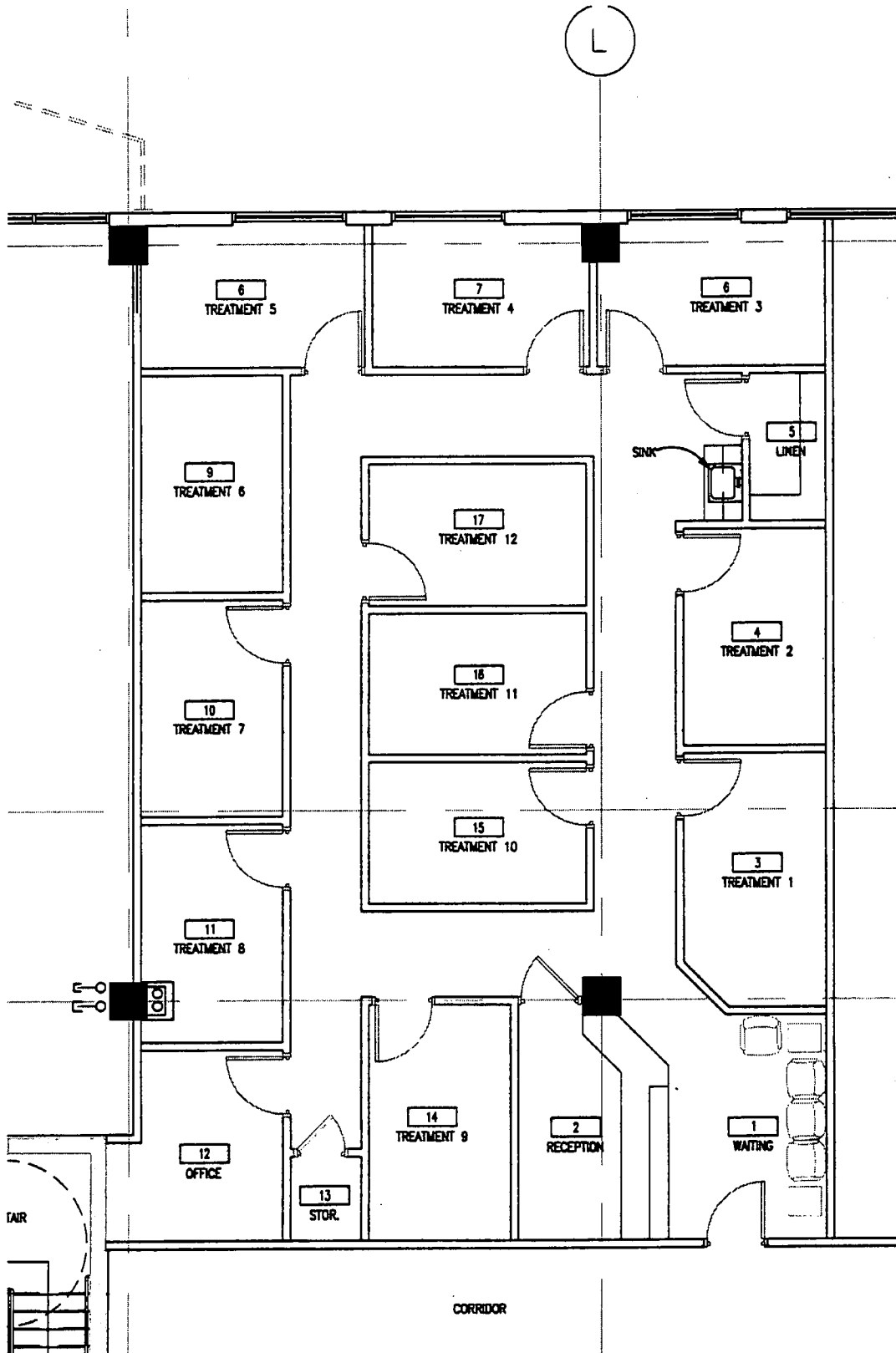
LONGFORD MEDICAL CENTER
 CITY OF LAS VEGAS #C 093 03
 SUITE NUMBERS SECOND FLOOR

PGAL

STAFF

SUP-4313

6-10-04 PC



LONGFORD GROUP, INC.

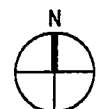
PGAL

5850 S. Polaris Ave.
Suite 1400
Las Vegas, NV 89118
P: 702/435-4448
F: 702/435-4470

STAFF

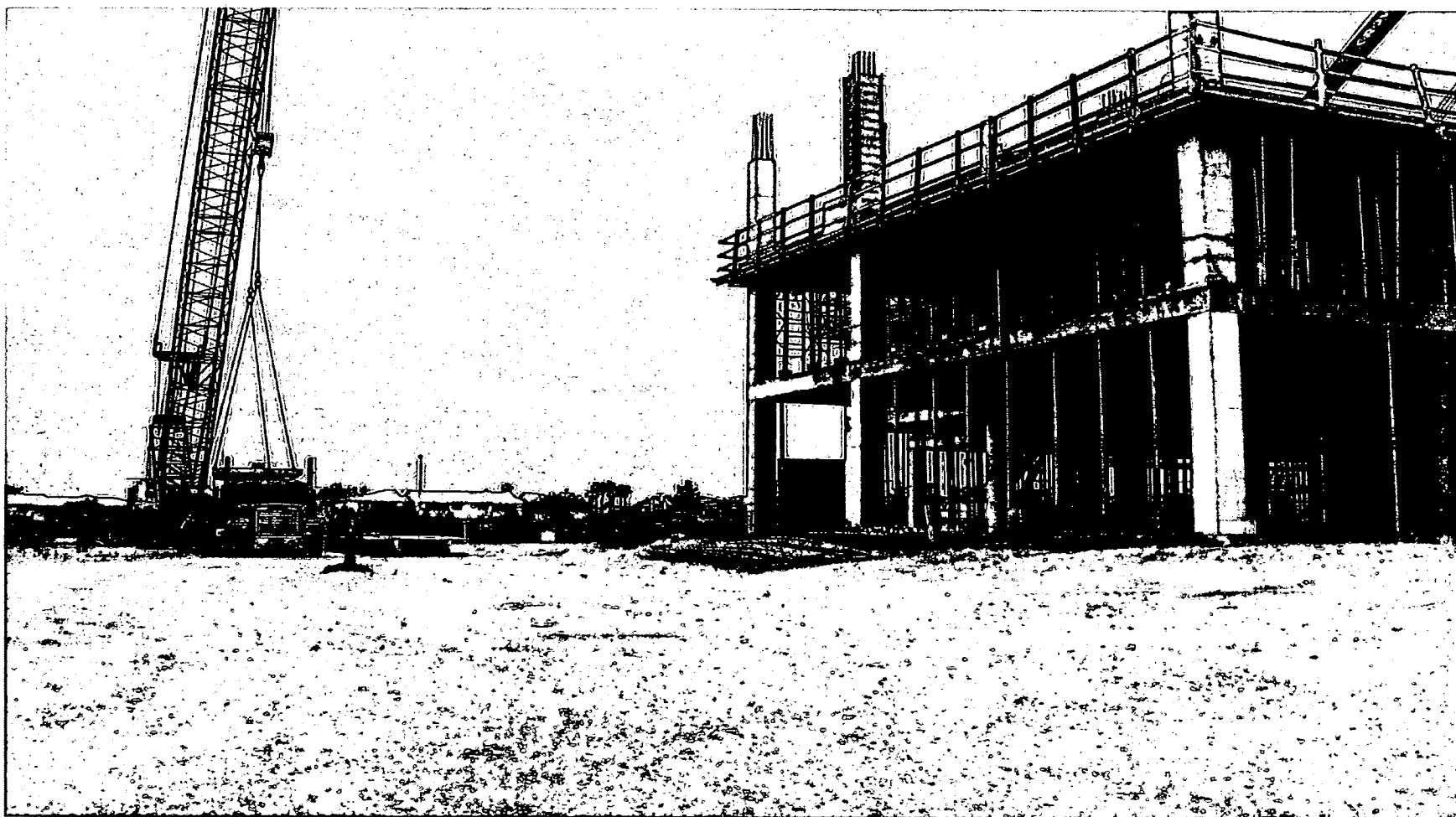
2nd Flr. Massage Therapist T.I.
Conceptual Design Layout
29 March 2004

scale: 3/32" = 1'-0"



SUP-4313

6-10-04 PC



SUP-4313 - APPLICANT: MARK FISHER - OWNER: BUFFALO WASHINGTON IV, LIMITED LIABILITY
COMPANY
7455 WEST WASHINGTON AVENUE
JUNE 10, 2004 PLANNING COMMISSION

05/17/04



SUP-4313 - APPLICANT: MARK FISHER - OWNER: BUFFALO WASHINGTON IV, LIMITED LIABILITY
COMPANY

7455 WEST WASHINGTON AVENUE

JUNE 10, 2004 PLANNING COMMISSION

05/17/04

RECEIVED
CITY CLERK

2004 JUN 30 AM 11:00

Michael P. Curley
7356 Restful Springs Ct
Las Vegas, NV 89128
June 26, 2004

City Clerk
1st floor, City Hall
400 Stewart Avenue
Las Vegas, NV 89101

To whom it may concern:

I would like to object to the request for a
special use permit for a proposed massage establishment at
7455 West Washington Avenue (APN 138-27-301-020),
SUP-4313, scheduled for the July 7, 2004,
City Council meeting.

Sincerely
Michael P. Curley

Protest

Submitted after final agenda

Date 6/30/04 Item #157