TO: Honorable Mayor and City Council

FROM: Richard Secrist, Development Services Director

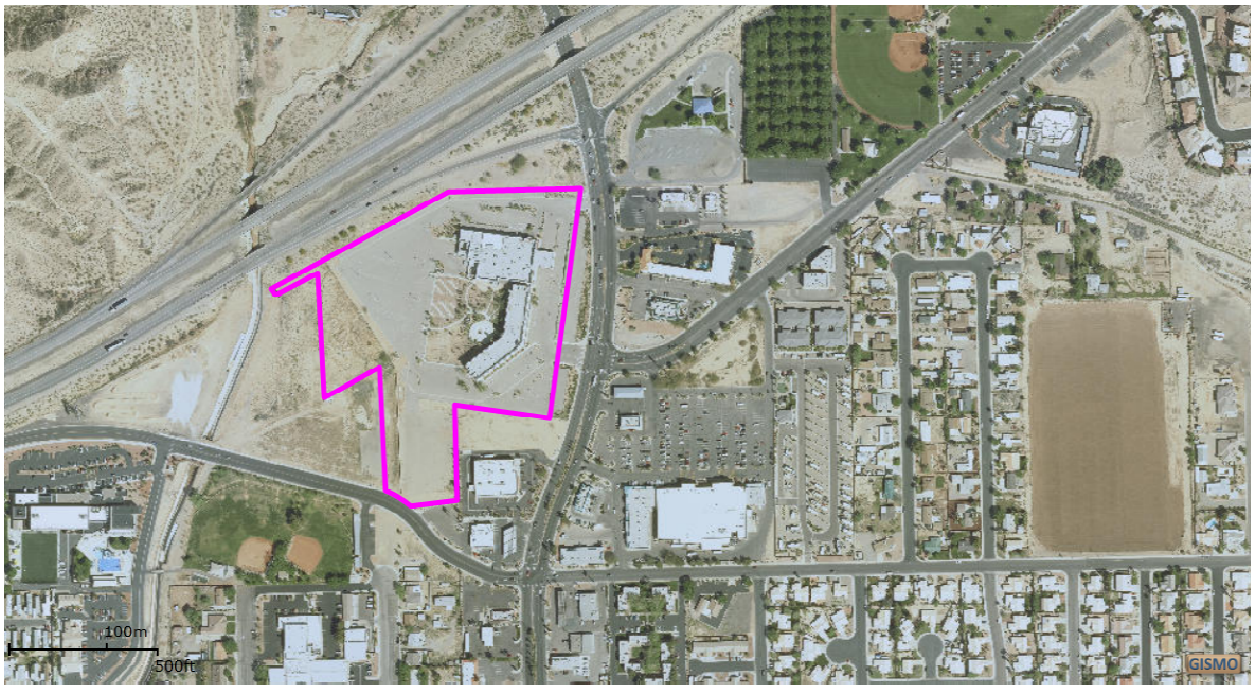
DATE: June 10, 2016

RE: **Consideration of Conditional Use Permit Case No. CUP-16-003 (Eureka / Rising Star)** to change the face of an outdoor billboard sign to a full color LED display, at 333 Sandhill Boulevard, in the Hotel Tourist (HT) zone.

Background

Recently, owners of the Eureka Hotel and Casino (Urban Development) petitioned the City to amend the nonconforming sign regulations to allow Billboards to be converted to reader boards or electronic message centers. Ordinance No. 460 was passed by the City Council on August 14, 2012. This ordinance makes such conversions possible with the issuance of a Conditional Use Permit.

Urban Development is now seeking approval of a conditional use permit to convert its sign at 333 Sandhill Boulevard to an LED electronic display. The sign is located south of I-15 between the Rising Star parking lot and the Town Wash drainage channel in the Hotel Tourist (HT) Commercial zone.



Key Facts

- The sign is approximately 111' from the I-15 travel way near Exit 122

- The sign is approximately 1,009' from the nearest residential zone boundary.
- The existing billboard is measures 14' x 48' or 672 square feet in size.

Analysis

Section 9-5-3 of the Mesquite Municipal Code states: "Conditional uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district." Due to the potential adverse impacts on surrounding properties, conditional use permits require notification of surrounding property owners within 500 feet of the time and place of the public hearing to consider the matter. Anyone who feels affected by the outcome of the decision may speak at the public hearing.

Conditional Use Criteria

Conditional use permits are evaluated with the following criteria in Mesquite Municipal Code (MMC) Section 9-5-3(3):

a. Whether the proposed use at the specified location is consistent with the policies embodied in the adopted master plan.

LU.3.5 Ensure that existing and proposed land uses are compatible.
LU.3.9 Buffer commercial and industrial uses from residential uses and screen the visual encroachment that commercial development imposes upon residential.

Comments: *To the extent that such impacts can be mitigated through normal development standards or special conditions of approval, the use (in this case an LED sign) could be approved.*

b. Whether the proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with the requirements of the zoning ordinance.

Comments: Section 9-7N-1 Purpose states: "The CR-2 district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, wholesale, office and other general business uses of an intense character. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The CR-2 district is also appropriate along commercial corridors. The commercial-general district corresponds to and implements in part the commercial and retail master plan category."

As noted above, the CR-2 zone is designed to be a fairly intense commercial retail and wholesale district.
So if electronic signs are to be allowed, this is the type of zoning one would probably want them in.

Under the new regulations adopted with Ordinance No. 460 billboards may only be converted to LED Electronic Displays if the sign structure is within 250' of the I-15 travel way, and is at least 500' from the closest residential zone boundary line. As noted above in the Key Facts section, the Eureka sign is approximately 111' from the I-15 travel way and approximately 1,009' from the nearest residential zone.

c. Whether the proposed conditional use may be materially detrimental to the public health, safety, convenience and welfare, or may result in material damage or prejudice to other property in the vicinity.

Comments: See criteria (a) and (b) above. If the required codes and recommended standards are implemented as conditioned herein, the approval of the use should not be found to be materially detrimental to the public health, safety, convenience and welfare, nor will it result in material damage or prejudice to other property in the vicinity.

d. Whether the proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on site or within the public rights-of-way to mitigate any adverse impacts which may result from the development, such as traffic, noise, odors, visual nuisances or other similar adverse effects. Such improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, buffer yards and the addition of landscaping, walls or both, to ameliorate such impacts.

Comments: See criteria (a) and (b) above. Existing standards in Section 9-10-12 Nonconforming Signs require such signs to be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No electronic reader sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured with a light meter at a pre-set distance.

e. Whether the proposed use will generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

Comments: See criteria (b) above. No traffic will be generated.

Recommendation

Staff recommends opening the public hearing for comment and then approving CUP-16-003.

Previous Council Action

On October 9, 2012 the City Council approved (4-0, 1 Hafen) Conditional Use Permit Case No. CUP-12-004 to convert the Eureka Casino billboard at 580 El Dorado Road to an LED Electronic Display Sign.

On August 14, 2012 the City Council adopted (4-0, 1 Hafen) Ordinance #460 by amending Chapter 9-10-12, Nonconforming Signs, to allow electronic message centers as a face change under the nonconforming use regulations.

On January 25, 2005 the City Council adopted (4-0) Ordinance #309 by prohibiting new off-premise signs and billboards within the City.