

City of Carson City
Agenda Report

Item #8D

Date Submitted: December 11, 2007

Agenda Date Requested: December 20, 2007

Time Requested: 25 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action regarding an appeal of the Planning Commission's decision to reduce the requested sign height for a freestanding shopping center sign from 65.5 feet to 45 feet as part of an approval of Special Use Permit SUP-07-161 to allow a third freestanding shopping center sign within the North Carson Crossing shopping center near the future Home Depot store adjacent to the freeway on property Zoned Limited Industrial (LI), located on Market Street on the south side of College Parkway, APN 002-755-161. (File No. SUP-07-161)

Staff Summary: Decisions of the Planning Commission may be appealed to the Board of Supervisors. The Planning Commission approved the Special Use Permit application but required a reduction in the height of the sign as part of the approval. The applicant is appealing this aspect of the approval and requesting that the sign be allowed at 65.5 feet rather than 45 feet.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: First motion to approve the sign as proposed at 65.5 feet in height failed on a vote of 2-5. Recommend approval on the second motion with a reduced sign height of 45 feet by a vote of 5-2, at the Planning Commission meeting of November 28, 2007.

Recommended Board Action: I move to uphold the Planning Commission's decision to approve Special Use Permit SUP-07-161 with a reduced sign height of 45 feet based upon the findings for approval and with the recommended conditions contained within the staff report to the Planning Commission.

Explanation for Recommended Board Action: See the attached staff memo and Planning Commission staff report for more explanation on the proposed action and the Planning Commission's rationale for denying the application.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.060 (Appeals), 18.02.080 (Special Use Permits), 18.16 (Development Standards) Division 4 (Signs).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives:

1) If the Board of Supervisors finds that the Planning Commission erred in reducing the proposed sign height from the proposed height of 65.5 feet:

"I move to reverse the Planning Commission's decision and approve Special Use Permit SUP-07-161 as recommended by staff based upon the findings for approval and with the recommended conditions contained within the staff report to the Planning Commission."

2) If additional information is submitted to the Board of Supervisors that the Board believes warrants further review and consideration on the application by the Planning Commission, refer the matter back to the Planning Commission.

Supporting Material:

- 1) Staff Memo to Board of Supervisors
- 2) Appellant's letter of appeal and justification
- 3) Planning Commission Case Record
- 4) Planning Commission packet

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By:

Walter Sullivan
(Walter Sullivan, Planning Director)

Date: 12-05-07

John Werner
(John Werner, Development Services Director/City Engineer)

Date: 12/12/07

Linda Ritter
(Linda Ritter, City Manager)

Date: 12-11-07

Melanie Bukotta
(District Attorney's Office)

Date: 12-11-07

Board Action Taken:

Motion: _____

| | |
|----------|---------|
| 1) _____ | Aye/Nay |
| 2) _____ | _____ |
| | _____ |
| | _____ |
| | _____ |

(Vote Recorded By)

MEMORANDUM

TO: Mayor and Board of Supervisors

FROM: Planning Division

DATE: December 20, 2007

SUBJECT: SUP-07-161 (MISC-07-188) – Appeal of the Planning Commission's decision to reduce the proposed height of a freestanding shopping center sign from 65.5 feet to 45 feet as part of the approval of the Special Use Permit for the sign

BACKGROUND:

In October 2007, the appellant submitted a Special Use Permit application for a third freestanding shopping center sign for the North Carson Crossing Shopping Center, located on the south side of College Parkway between Roop Street and the freeway. The shopping center includes Wal-Mart, Chili's restaurant, a future Home Depot currently under construction and other commercial tenants. The proposed sign is to be located along the east side of the shopping center in order to be visible from the freeway. A detailed project description from the applicant and a staff analysis are included in the attached staff report to the Planning Commission dated November 28, 2007.

The Special Use Permit included the following requests:

1. An increase in the permitted number of freestanding signs for a shopping center from two (for two street frontages on an arterial street) to three;
2. An increase in the total permitted freestanding sign area for a shopping center from 300 to 1,520 square feet, with 720 square feet existing (on two signs) and 800 additional square feet proposed; and
3. An increase in the permitted freestanding sign height for a shopping center from 30 feet to 65.5 feet.

On November 28, 2007, the Planning Commission reviewed the application. After conducting the public hearing and having discussion on the matter, a motion was made to approve the Special Use Permit as submitted by the applicant subject to staff's recommended conditions of approval. The motion was seconded but failed on a vote of 2-5. A short recess was then requested by a Commissioner in order to formulate findings for a new motion for the record. After the recess, a motion was made to approve the application with the modification to reduce the sign height from 65.5 feet to 45 feet. This motion passed on a vote of 5-2.

On December 3, 2007, the appellant submitted a letter appealing the Planning Commission's decision to reduce the proposed sign height as part of the Special Use Permit approval. Staff requested additional information from the appellant regarding the basis for appeal pursuant to the submittal requirements of CCMC 18.02.120 (Appeals). On December 4, 2007, the appellant submitted the final appeal letter that is attached to this memorandum and details the reasons the appellant believes the Planning Commission erred in reducing the requested sign height.

ISSUE OF APPEAL

Pursuant to CCMC 18.02.120 (Appeals), anyone with standing to appeal may appeal any part of the Planning Commission's decision. The appellant has appealed the reduction in sign height only. No other portions of the application or conditions of approval have been appealed.

Therefore, the portions of the Special Use Permit approval for a third freestanding shopping center sign and for an increase in the freestanding sign area are approved and valid, and these portions of the approval are not being considered as part of the appeal. The only issue for decision by the Board of Supervisors is whether or not the Planning Commission erred in reducing the sign height. More discussion on the Board's alternatives for action follows the analysis of the appeal at the end of this memorandum.

APPEAL ANALYSIS

The Planning Commission did not make specific comments under the motion to approve the Special Use Permit with a reduced sign height. However, several comments were made during general discussion on the application regarding concerns of setting a precedent for sign heights along the freeway and the impacts to the adjacent residential neighborhood to the south of the shopping center. It was also noted that a lower height would bring it "more in line" with the approved 30-foot tall sign for Harley Davidson on the east side of the freeway in the vicinity. The appellant's points of discussion in the letter of appeal address these issues. Following are the points made in the appellant's letter of appeal with staff discussion and comment on each point.

- 1) *Appellant: The proposed sign height of 65½ feet was established to overcome a 7½-foot difference in grade elevation plus a 17-foot high freeway sound wall. Therefore the lower 24½ feet of the overall sign height is below the freeway sound wall and not visible. Only the top 40 feet of the proposed sign is visible to oncoming traffic. If the sign height is reduced to 45 feet, only half of the proposed sign would be visible.*

Staff response: There is no argument that the sign was designed at 65 feet so that the upper 40 feet of the sign (the sign display area) would be visible from the freeway, particularly for the northbound traffic whose view is more obscured by the sound wall. A more detailed analysis of the visibility of the sign is included on pages 7 and 8 of the staff report to the Planning Commission, attached, based upon NDOT freeway construction plans. Staff concluded that only the upper 30 feet of the proposed sign (at 65.5 feet) would be visible for northbound motorists where the sound wall is between the motorists and the sign. (Refer to the staff report pages 7 and 8 and staff report attachments A, B and C for more detail.) Even if a portion of the sound wall is removed as proposed to NDOT by the applicant, the wall will still obscure the lower portion of the sign copy area at 750 feet.

The sign would have clear visibility for southbound freeway motorists at the proposed height even with the sound wall remaining in place. However, the impacts of reducing the sign height or the minimum height at which the sign would be visible without the sound wall were not analyzed by staff for southbound motorists.

- 2) *Appellant: This proposed sign will serve two purposes. The first purpose is to allow north bound freeway traffic to see and recognize the major tenant sign panels such as Wal-Mart and Home Depot in time to exit the freeway. Since this sign is located approximately 50 feet west of the sound wall, all of the Home Depot panel and about half of the Wal-Mart panel would not be visible until it was too late to exit [if the sign is lowered to 45 feet].*

Staff response: As noted above, staff concluded that only the upper 30 feet of the proposed sign (at 65.5 feet) would be visible for northbound motorists where the sound wall is between the motorists and the sign. This conclusion would confirm the appellant's statement that only the Wal-Mart sign would be visible above the sound wall if the sign were to be reduced in height to 45 feet. However, the Planning Commission noted that they believed it was not necessary for so many shopping center tenants to be visible on the freeway-oriented sign, that motorists would not have time to read so many tenant signs traveling at highway speeds, and that it was their intent for only the "major" tenants to be visible from the freeway to attract attention to the shopping center while reducing overall visual impacts of the sign.

- 3) Appellant: *The second purpose of this proposed sign is to provide advertising for other shopping center tenants on panels that are a minimum of 4 feet high by 10 feet wide. Since these smaller sign panels can accommodate 33-inch letters that are readable for a distance of 750 feet, some of these smaller panels may also be recognizable in time for a reader to exit the freeway. However, the primary purpose of these smaller panels is not to solicit an immediate exit from north bound traffic, but to offer prominent national and regional tenants the opportunity to display to the world that they have a store in this shopping center. Many people who read one or more of the smaller panels while driving by will exit at the next freeway interchange and return, or they will decide to return to the shopping center to shop at a later time.*

Staff response: As noted in the staff report to the Planning Commission, it is possible that a highly recognizable business brand, such as the Jack-in-the-Box or Chili's restaurants, would be seen in time for northbound traffic to exit the freeway. However, as noted by the applicant, this should not be the primary purpose of the sign because the College Parkway exit is too close to the sign for motorists to be able to read the tenant signs and then maneuver to the exit. As noted by staff, the highway service signs (i.e. food, gas and lodging signs) would be the most effective means to capture the through-traveler and inform motorists of the services available at the College Parkway exit.

There is no argument that the proposed sign height is necessary in order for all 14 proposed tenant signs to be visible on the sign. However, as noted in the above discussion, the Planning Commission believed that fewer tenants should be displays on the sign and, therefore, the sign height could be reduced.

- 4) Appellant: *One of the planning commissioners stated that a 65-foot high sign would set a bad precedent for signs along the freeway. North Carson Crossing is over 50 acres and will be the largest retail center in Carson City for the foreseeable future. The sign height of each freeway sign needs to be determined no a case by case basis to assess different grade elevations and the presence of a freeway sound wall. Since there is really no other freeway retail project to compare to North Carson Crossing, the proposed 65-foot sign does not set a precedent, much less a bad one.*

Staff response: Staff concurs that the approval the proposed sign, at any size and height, does not establish a precedent that must be followed in subsequent applications for signs along the freeway, and staff noted this at the Planning Commission meeting. The subject site is unique in its size, specific location and relation to the adjacent freeway, which must all be considered for each application that may be reviewed in the future.

As a further response to this line of reasoning, it could be argued that since this is the largest shopping center in Carson City along the freeway, other smaller shopping centers and commercial uses *would not* be entitled to a sign as large and tall and this sign will be. Again, each future sign will be reviewed based upon its particular merits.

- 5) Appellant: *The Planning Commission members erred in reducing the sign height by not grasping the economic importance of this sign to Carson City. I stated at the public hearing on November 28th that North Carson Crossing is competing directly with Douglas County developers for the same tenants. Because of the size of the overall Carson City trade area, many of these same national and regional tenants, who we are also trying to attract, will only have one store in this trade area. It is my job to convince these prospective tenants that their store should be at North Carson Crossing instead of just across the Douglas County line where most of the existing retail is presently congregated. I can only compete with Douglas County if I can offer adequate freeway signage that provides freeway exit and advertising opportunities to the tenants that I am competing for. We bought this land over 3½ years ago, and to date, we have invested over \$10 million in this shopping center which demonstrates our economic interest in the success of North Carson Crossing. We have studied very carefully the most appropriate location for this sign, and we also have contracted to pay \$200,000 for the cost to manufacture and install the sign. This investment certainly demonstrates the importance of this sign to the future success of North Carson Crossing.*

Staff response: As noted in the staff report to the Planning Commission, staff believes the primary issue in reviewing this Special Use Permit is the balance of the economic benefits of the proposed sign with the aesthetic and visual impacts on the adjacent neighborhood and the community in general. It is proper for the Planning Commission to consider both aspects, including the visual impacts, and a valid use of the Commission's discretionary authority to reduce the sign height to mitigate those impacts in weighing the overall public welfare. This remains a primary issue that must now be considered by the Board of Supervisors to weigh all the issues and determine if the reduction in sign height is appropriate or not.

- 6) Appellant: *We have agreed to the entire planning staff recommendations with no changes, and this pylon sign will blend in with the shopping center and the freeway. The sign does not generate noise, dust, vibration, fumes, odors, or blinking lights. This sign also has no exterior lights, and it is internally illuminated with non-blinking, unobjectionable diffused florescent lighting installed behind heavy vinyl flex face panels. All unused panels will be darkened until occupied. This type of illumination does not cast light or glare, and this sign utilizes the same kind of internal florescent lighting as the existing North Carson Crossing pylon sign at the SW corner of Market Street and College Parkway, both which are not readable from the freeway.*

Staff response: As noted in the recommended findings for approval, staff believes the findings can be made that the proposed sign will not generate these negative impacts or such impacts are mitigated as noted above. It is further noted that the conditions of approval do not allow any modifications to the sign that would result in other types of lighting or moving or changeable copy. However, even with these conditions of approval, it remains an arguable point as to how the adjacent neighborhood would be impacted by the visibility of the sign. Such impacts should be considered with all the other issues in the Board of Supervisors' review of this appeal.

STAFF SUMMARY:

As stated in the staff report to the Planning Commission, consideration of the sign height hinges primarily upon the balance between the aesthetic impacts of the proposed sign versus the economic development benefits to the community of a freeway-oriented sign at this specific location. Staff believes it is within the Planning Commission's discretion to modify the approval by reducing the sign height to address the required findings regarding impacts to surrounding properties and the general welfare of the community.

However, as noted in the staff report, there are presently no objective standards to apply to freeway-oriented signs. Each sign must be reviewed on a case-by-case basis. Therefore, it up to the Board of Supervisors to review the facts and information provided with the Special Use Permit application, supporting materials and the appeal letter and determine if the Planning Commission erred in reducing the sign height or if the finding for approval should be made for approval of the sign as requested.

The Board may also use the information presented to modify the Planning Commission's decision by approving an alternative height. For example, if it is the Board's determination that only the top 20 feet of the sign containing primary tenants of Wal-Mart and Home Depot should be visible over the sound wall for northbound freeway motorists, the Board may approve the sign at 55 feet in height instead of the 65.5 feet requested by the applicant.

ALTERNATIVES:

As stated previously, the Special Use Permit for the sign has been approved at the proposed location with the proposed sign area. The only aspect of this application that is for decision under this appeal is the whether or not the reduction of the sign height from 65½ feet to 45 feet by the Planning Commission was proper given the particular circumstances of this application. No other aspects of the Special Use Permit or conditions of approval may be modified unless they directly relate to the issue of the height of the sign.

The Board of Supervisors may consider the following alternative actions in deciding the appeal of the Planning Commission's decision to modify the sign height for Special Use Permit SUP-07-175:

1. Deny the appeal and uphold the Planning Commission's decision to approve the Special Use Permit application with the reduced sign height from 65½ feet to 45 feet based on the findings for approval contained with the Planning Commission staff report.
2. Approve the appeal and approve the Special Use Permit as submitted by the applicant. (See the recommended verbatim motion for this alternative on the second page of the Board Action Report.)
3. Approve a modified sign height other than 65½ feet or 45 feet.
4. If additional information is submitted that requires further consideration in reviewing the Special Use Permit, the Board may consider referring the Special Use Permit application back to the Planning Commission, but only with the appellant's concurrence. The Board of Supervisors must render a decision on the appeal within 60 days of the appeal submittal (by February 2, 2008) unless the appellant waives that right. The next available Planning Commission meeting at which this item could be reviewed is January 30, 2008, prohibiting the ability for the Planning Commission to report back to the Board of Supervisors within the required 60 day period from the submittal of the appeal.

MISC-07-188

RECEIVED

DEC 04 2007

CARSON CITY
PLANNING DIVISION

North Carson Crossing LLC
Shopping Center Development

Mailing Address
P. O. Box 12457
Reno, NV 89510-2457

Phone 775-843-6330
Fax 775-889-2472

Street Address
4780 Ranch Land Circle
Reno, NV 89511

December 4, 2007

Walter Sullivan, AICP
Planning Division Director
2621 Northgate Lane, Suite 62
Carson City, Nevada 89706

Re: SUP-07-161, appeal of Planning Commission decision on 11-28-07 to reduce the sign height of the proposed freeway pylon sign for the North Carson Crossing shopping center

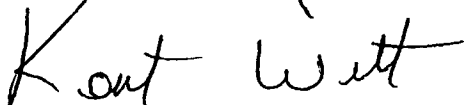
Dear Mr. Sullivan:

As the applicant of the above referenced SUP, I am appealing the Planning Commission's decision on November 28, 2007 to approve our proposed freeway pylon sign with the condition that the height of the sign be reduced from 65' to 45'. I respectfully request that this appeal be presented to the Board of Supervisors at its next public meeting. The Planning Commission has erred in its decision to reduce the sign height for the following reasons:

1. The proposed sign height of 65 ½' was established to overcome a 7 ½' difference in grade elevation plus a 17' high freeway sound wall. Therefore, the lower 24 ½' of the overall sign height is below the freeway sound wall and not visible. Only the top 40' of the proposed sign is visible to oncoming traffic. If the sign height is reduced to 45', only half of the proposed sign would be visible.
2. This proposed sign will serve two purposes. The first purpose is to allow north bound freeway traffic to see and recognize the major tenant sign panels such as Wal-Mart and Home Depot in time to exit the freeway. Since this sign is located approximately 50' west of the sound wall, all of the Home Depot panel and about half of the Wal-Mart panel would not be visible until it was too late to exit.
3. The second purpose of this proposed sign is to provide advertising for other shopping center tenants on panels that are a minimum of 4' high x 10' wide. Since these smaller sign panels can accommodate 33" letters that are readable for a distance of 750', some of these smaller panels may be also be recognizable in time for a reader to exit the freeway. However, the primary purpose of these smaller panels is not to solicit an immediate exit from north bound traffic, but to offer prominent national and regional tenants the opportunity to display to the world that they have a store in this shopping center. Many people who read one or more of the smaller panels while driving by will exit at the next freeway interchange and return, or they will decide to return to the shopping center to shop at a later time.

4. One of the planning commissioners stated that a 65' high sign would set a bad precedent for signs along the freeway. North Carson Crossing is over 50 acres and will be the largest retail center in Carson City for the foreseeable future. The sign height of each freeway sign needs to be determined on a case by case basis to assess different grade elevations and the presence of a freeway sound wall. Since there is really no other freeway retail project to compare to North Carson Crossing, the proposed 65' sign does not set any precedent, much less a bad one.
5. The Planning Commission members erred in reducing the sign height by not grasping the economic importance of this sign to Carson City. I stated at the public hearing on November 28th that North Carson Crossing is competing directly with Douglas County developers for the same tenants. Because of the size of the overall Carson City trade area, many of these same national and regional tenants, who we are also trying to attract, will only have one store in this trade area. It is my job to convince these prospective tenants that their store should be at North Carson Crossing instead of just across the Douglas County line where most of the existing retail is presently congregated. I can only compete with Douglas County if I can offer adequate freeway signage that provides freeway exit and advertising opportunities to the tenants that I am competing for. We bought this land over 3 ½ years ago, and to date, we have invested over \$10 million in this shopping center which demonstrates our economic interest in the success of North Carson Crossing. We have studied very carefully the most appropriate location for this sign, and we also have contracted to pay \$200,000 for the cost to manufacture and install the sign. This investment certainly demonstrates the importance of this sign to the future success of North Carson Crossing.
6. We have agreed to the entire planning staff recommendations with no changes, and this pylon sign will blend in with the shopping center and the freeway. The sign does not generate noise, dust, vibration, fumes, odors, or blinking lights. This sign also has no exterior lights, and it is internally illuminated with non-blinking, unobjectionable diffused florescent lighting installed behind heavy vinyl flex face panels. All unused panels will be darkened until occupied. This type of illumination does not cast light or glare, and this sign utilizes the same kind of internal florescent lighting as the existing North Carson Crossing pylon sign at the SW corner of Market St and College Parkway, both which are not readable from the freeway.

Sincerely,
North Carson Crossing LLC



Kent Witt
Manager/Member

cc: Lee Plemel

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 28, 2007

AGENDA ITEM NO.: H - 7

APPLICANT(s) NAME: Kent Witt
PROPERTY OWNER(s): North Carson Crossing LLC

FILE NO. SUP-07-161

ASSESSOR PARCEL NO(s): APN-002-755-16
ADDRESS: Market Street on the south side of College Parkway

APPLICANT'S REQUEST: To increase the total number of permitted freestanding signs for a shopping center, to increase the permitted total freestanding sign area and to increase the permitted height of a freestanding sign from 30 feet to 65.5 feet to allow a third freestanding shopping center sign with 800 square feet of sign display area within the North Carson Crossing shopping center near the future Home Depot store adjacent to the freeway zoned Limited Industrial (LI).

COMMISSIONERS PRESENT: [X] REYNOLDS [X] VANCE [X] BISBEE
[X] MULLET [X] PEERY [X] KIMBROUGH [X] WENDELL

STAFF REPORT PRESENTED BY: LEE PLEMEL [] REPORT ATTACHED
STAFF RECOMMENDATION: [X] CONDITIONAL APPROVAL [] DENIAL
APPLICANT REPRESENTED BY: KENT WITT

X___ APPLICANT/AGENT PRESENT X___ APPLICANT/AGENT SPOKE ___ APPLICANT/AGENT NOT PRESENT ___ APPLICANT/AGENT DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

___ PERSONS SPOKE IN FAVOR OF THE PROPOSAL ___ PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD: BILL VANCE - IS THIS IN SINK WITH WHAT WE HAVE IN MIND FOR FREEWAY SIGNAGE.

APPEAL PROCESS MENTIONED AS PART OF THE RECORD (SEE BACK) ATTACHED TO THIS SHEET.

SECOND MOTION WAS MADE TO RECOMMEND APPROVAL

- [] WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT
- [X] WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED TO 45'
- [] WITH THE FINDINGS AND CONDITIONS OF THE COMMISSION ENUMERATED ON THIS CASE RECORD

MOVED: KIMBROUGH SECOND: BISBEE PASSED: 2 /AYE 5 /NO ___ /DQ ___ /AB
SECOND MOTION 5 2

STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 28, 2007

FILE NO: SUP-07-161

AGENDA ITEM: H-7

STAFF AUTHOR: Lee Plemel, AICP, Principal Planner

REQUEST: A **Special Use Permit** for the placement of a third freestanding sign, oriented toward the freeway, for the North Carson Crossing Shopping Center, including the following three aspects of the Sign Ordinance:

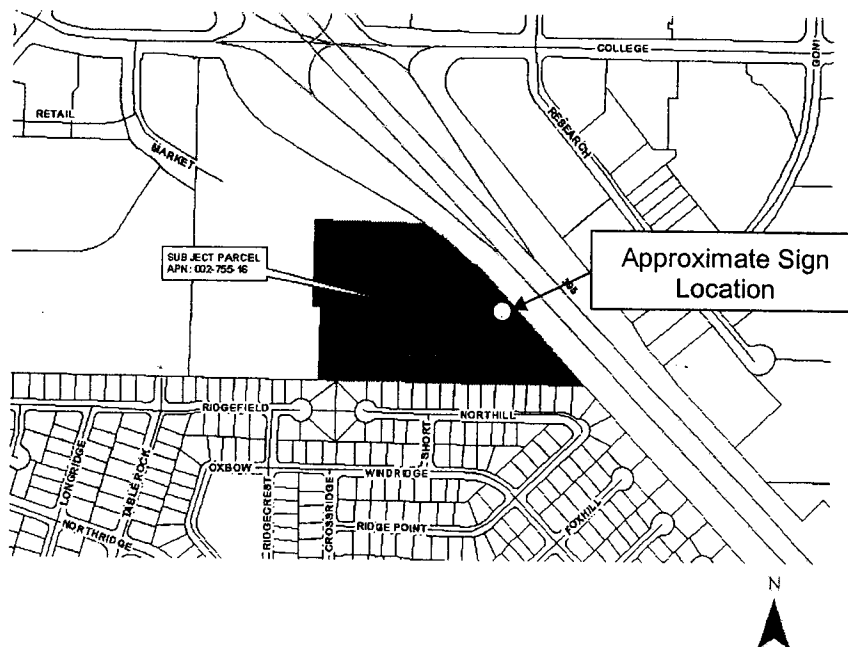
1. An increase in the permitted number of freestanding signs for a shopping center from two (for two street frontages on an arterial street) to three (CCMC Development Standards Division 4.6.3);
2. An increase in the total permitted freestanding sign area for a shopping center from 300 to 1,520 square feet, with 720 square feet existing (two signs) and 800 additional square feet proposed (Division 4.7.4.b); and
3. An increase in the permitted freestanding sign height for a shopping center from 30 feet to 65.5 feet (Division 4.7.4.c).

APPLICANT: Kent Witt, North Carson Crossing Shopping Center Manager/Member

OWNER: North Carson Crossing LLC

LOCATION: Market Street; APN 002-755-16

RECOMMENDED MOTION: “I move to approve SUP-07-161, a Special Use Permit to increase the total number of permitted freestanding signs for a shopping center, to increase the permitted total freestanding sign area and to increase the permitted height of a freestanding sign from 30 feet to 65.5 feet to allow a third freestanding shopping center sign with 800 square feet of sign display area within the North Carson Crossing shopping center adjacent to the freeway on property zoned Limited Industrial, located on Market Street on the south side of College Parkway, APN 002-755-16, subject to the conditions and based on the findings contained in the staff report.”



RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be completed prior to submitting a building permit application:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all the conditions of approval and commence the use for which this permit is granted (obtain and maintain a valid building permit/sign permit for the signs) within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.
3. The applicant shall obtain approval from the Airport Authority for the proposed sign and meet all applicable conditions required by the Airport Authority, which may include any required FAA approvals or other requirements in accordance with the recorded aviation easement document for the subject property.

The following shall be submitted with and/or incorporated into building permit plans:

4. The applicant shall submit a copy of the signed Notice of Decision and conditions of approval with the building permit application.
5. All on- and off-site improvements shall conform to City standards and requirements.
6. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein. Materials and colors shall be consistent with the existing freestanding signs previously approved and shall be clearly shown on the plans.
7. The sign must be designed by a Nevada licensed engineer.
8. The sign shall not exceed 40 feet above the height of the top of the freeway soundwall immediately adjacent to the sign, or, if the soundwall is removed, the height of the soundwall at the time of this approval prior to its removal. The building permit application shall provide elevation information of the sign and the adjacent soundwall to show compliance with this condition.

The following conditions apply over the life of this Special Use Permit:

9. The approved freestanding signs for the shopping center shall be maintained substantially in accordance with the development plans approved with this application and applicable prior applications, except as otherwise modified by the conditions of approval herein. All freestanding signs shall remain internally illuminated with no animation or intermittent change of copy. The maximum number of tenant spaces on the freeway-oriented sign is 14 as shown on the plans approved with this applicant, and the tenant spaces on the sign shall not be divided further into smaller sub-panels. Any modification to the freestanding signs

- within the subject shopping center, including modifications to color, materials and lighting but excluding maintenance, may only occur after approval of a new Special Use Permit.
10. To reduce light and glare emitted from the sign, unused, blank tenant spaces on the freeway-oriented sign shall be blacked out using opaque facing materials until the sign space is filled with a tenant sign.
 11. This approval supersedes Special Use Permit SUP-05-171 for the existing two freestanding shopping center signs and incorporates the applicable conditions herein.
 12. No other signs are allowed within 25 feet of a public right-of-way unless attached to or located within five feet of a building. Notwithstanding this condition, customary traffic control signs (such as “stop” and accessible parking and other standard and code-required signs) are permitted as needed, subject to City staff approval.
 13. Notwithstanding the above condition, directional signs are permitted at the rate of one per driveway junction or curb cut. Such signs may display only names of businesses and/or buildings/addresses and arrows indicative of the travel direction. Additionally, logos commensurate with the size of the text copy may be included, or they may be used instead of text not to exceed one square foot each. The directional signs may consist of one (but not both) of the following types of signs, subject to City staff approval:
 - A. Pole-mounted directional signs that do not exceed three feet in height, nor three square feet in area; or
 - B. Monument directional signs that do not exceed three feet in height, nor 12 square feet in area.
 14. Menu boards are limited to two per establishment and must not exceed 6 feet in height or 32 square feet in area each, subject to City staff approval.
 15. Utilitarian signs, such as “in,” “out,” (for drive-throughs) and “receiving” are subject to condition 12 and cannot exceed three feet in height or two square feet in area. Advertising copy is prohibited on such signs with the exception of logos that comprise 20 percent or less of the sign area. Clearance warning signs for drive-throughs are permitted as needed, subject to City staff approval.
 16. Pole-mounted parking-lot row or section indicators may not exceed three square feet in area or 1.5 feet in diameter. No bright colors are permitted; they must be of subtle, earth-tone or dark background colors with light-colored lettering (or the inverse), subject to City staff approval.
 17. Wall signs shall comply with Division 4.7.4 of the Development Standards.

Conditions required by the Engineering Division:

18. The signs shall maintain proper separation from above and below ground utilities.
19. The signs shall not be placed within any utility, access or drainage easement.
20. The signs shall not block drainage.

LEGAL REQUIREMENTS: 18.02.050 (Review); 18.02.080 (Special Use Permits); Development Standards Division 4 (Signs).

SITE INFORMATION:

MASTER PLAN DESIGNATION: Commercial

ZONING: Limited Industrial (LI)

SPECIAL AREA: Airport Review Area

SURROUNDING ZONING AND LAND USE (Zoning – Uses):

North: Limited Industrial (LI) – Vacant lots

West: LI and Retail Commercial (RC) – Wal-Mart and vacant shopping center lots

South: Single Family 6,000 (SF6) – Northridge residential neighborhood

East: Limited Industrial (LI) – Freeway and commercial/industrial uses across the freeway

SITE DEVELOPMENT INFORMATION:

1. Total Parcel Area (subject Home Depot parcel only): 10.9 acres.
2. Total North Carson Crossing Shopping Center Area (at buildout): Approximately 50 acres
3. Proposed sign height: 65.5 feet
4. Proposed height of adjacent Home Depot store: Approximately 35 feet
5. Number of existing freestanding shopping center signs: 2
6. Existing freestanding sign area: 720 square feet; 360 square feet per sign

PROPOSED FREESTANDING SIGN INFORMATION:

1. Sign height: 65.5 feet
2. Sign area: 800 square feet
3. Sign copy area dimensions: 20 wide by 40 feet high
4. Maximum number of tenant panels: 14
5. Sign type: Internally illuminated cabinet sign

KEY ISSUES:

- Is the proposed signage consistent with the purpose of the Sign Ordinance?
- Is the need for the additional sign height and sign area justified in this particular instance?

BACKGROUND:

The proposed freestanding sign is located within the North Carson Crossing Shopping Center, a 50-acre shopping center which has been the site of continued development since 2004 and is less than halfway built-out. Current shopping center tenants include Wal-Mart, Starbucks, Round Table Pizza, Chili's restaurant, Jack in the Box and several other small retail and food businesses, and a Home Depot store is currently under construction. The subject parcel under consideration for the proposed freestanding sign is on the southeast portion of the shopping center property that will be the future Home Depot site. (See aerial photo of site, attached.)

The development within the shopping center has been the subject of several land use and zoning applications, most notably:

- January 2004 – Approval of a Special Use Permit for the Wal-Mart store for a “regional commercial center” exceeding 50,000 square feet (in Retail Commercial zoning) and wall signs

totaling 1,150 square feet where 600 square feet is the maximum allowed for a shopping center tenant.

- September 2005 – Approval of a Special Use Permit for the two existing freestanding shopping center signs on Roop Street and College Parkway, each sign being 35 feet in height and 360 square feet in sign area. It was noted as part of this application that a future sign would be requested along the freeway frontage.
- January 2007 – Approval of a Special Use Permit for the future Home Depot store for loading docks within 250 feet of a residential zoning district.

DISCUSSION:

Signs are regulated by the provisions of the Carson City Municipal Code Title 18, Chapter 18.16 (Development Standards), Division 4 (Signs). A Special Use Permit is required for the proposed signage for the following reason:

- According to the Development Standards Division 4.6 (General Regulations and Standards), variations to the sign regulations may only be permitted by Special Use Permit. The proposed sign exceeds the number of permitted freestanding signs (2), the permitted sign area of 300 square feet and the permitted sign height of 30 feet.

In reviewing Special Use Permits for signs, the Planning Commission should consider the purpose of the Sign Ordinance as well as other Special Use Permit requirements. The purpose of the Sign Ordinance (Division 4), as stated in Division 4.2, is as follows:

The purpose of this division is to provide minimum standards to safeguard life, health, property and public welfare in keeping with the unique character of Carson City by establishing equal enforcement, regulation and control where applicable by the size, number, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building... and to accomplish the following results:

- To protect and enhance the character of residential and commercial neighborhoods, open views and vistas, and property values by prohibiting signs that are obtrusive and incompatible with the immediate surroundings;*
- To protect the economic health of commercial centers and property values by encouraging signs that effectively communicate the availability of goods and services to consumers;*
- To provide a reasonable and comprehensive system of sign management addressing size, location, design, and illumination for integration into the zoning ordinance;*
- To encourage signs that are varied in design, well constructed, and pleasing in appearance;*
- To attract and direct persons to various activities and enterprises in order to provide for the public convenience;*
- To prohibit the indiscriminate use of other outdoor advertising.*

Staff believes the primary issue regarding this application is the balance between the potential visual impacts of the proposed sign on the immediate vicinity and surrounding neighborhoods while promoting adequate and proper signage to support the economic health of the commercial center and attract persons to the various businesses to the benefit of all Carson City residents.

The site where the proposed sign would be located is adjacent to the freeway right-of-way and is approximately 7.5 feet below freeway grade. The freeway soundwall is 17 feet tall at this particular location. The application is proposing a sign of adequate height so that the bottom of the sign copy area is as high as the top of the adjacent soundwall in order for the sign to be visible from the freeway above the soundwall. More discussion on the visibility of the sign and issues related to the soundwall is included further in this staff report.

The success of the North Carson Crossing Shopping Center plays a significant role in the fiscal health of Carson City with Nevada's retail sales-based tax structure. This shopping center offers one of the biggest opportunities to capture sales tax leakage to Douglas County by attracting and maintaining quality retail uses at a convenient, central and easily-accessible location along the freeway. Following are some facts regarding the North Carson Crossing Shopping Center for your consideration in review this Special Use Permit for the additional freestanding sign:

- The shopping center is the largest in Carson City at approximately 50 contiguous acres. By comparison, the Southgate Shopping Center (JC Penney and former Wal-Mart site) is 24 acres and the Northtown Center (former K-Mart site) is 30 acres. North Carson Crossing is also the most visible shopping center currently along the freeway.
- The two existing freestanding signs on Roop Street and College Parkway are approximately 1,200 feet apart. Each sign exceeds the total permitted shopping center sign area of 300 square feet at 360 square feet each and exceed the 30-foot height limit at 35 feet.
- The proposed freestanding sign is approximately 1,850-1,900 feet (1/3-mile) from the closest existing freestanding shopping center sign on College Parkway.
- Wal-Mart and Home Depot are the two largest retailers in the nation. Wal-Mart is the largest retailer in the world.

The current sign ordinance does contain specific provisions for freeway-oriented signs such as the one proposed by the applicant, though the issue was previously discussed with the Planning Commission. In these prior Planning Commission discussions it was determined that the Special Use Permit process was the best way to handle freeway-oriented signs, at least in the near future, when they exceed permitted sign height, sign area or the total number of freestanding signs. The Special Use Permit process within the sign ordinance provides for the special circumstances where more signage or taller signs than a "standard" shopping center is allowed is appropriate.

Based upon the size of the shopping center and the fact that numerous potential signs are being consolidated onto three freestanding signs spanning across nearly ¾-mile of parcel frontage (Roop Street, College Parkway and the freeway), staff believes the number of freestanding signs and total freestanding sign area are generally reasonable and logical and, therefore, discussion in this staff report focuses primarily on the height and size of the proposed freeway-oriented sign and the issues associated with it.

Sign Visibility

As provided in the applicant's submittal materials, research indicates that 33-inch tall letters are required in order to be legible from a distance of 750 feet (source: *The Signage Sourcebook*). The proposed "Wal-Mart" letters are 36 inches tall and the proposed tenant panels are sized to accommodate 33-inch tall letters. Using this information as provided by the applicant, staff conducted an analysis of the proposed sign's visibility from the freeway using NDOT freeway construction plans and additional information from *The Signage Sourcebook* referenced by the applicant.

As indicated above, the freeway soundwall affects visibility of the site and is a primary consideration in the proposed height of the sign. The freeway slopes uphill for northbound traffic towards College Parkway. Southbound traffic will be coming downhill from College Parkway at an elevation above the top of the soundwall adjacent to the sign, so southbound traffic should have a clear view of the sign above the soundwall, as proposed. Additionally, southbound traffic will only view the sign after passing the College Parkway exit. Therefore, this analysis focuses on the visibility of the sign for northbound motorists.

Following are some facts concluded from staff's analysis:

- Research shows that it takes approximately 6.6 seconds to determine if a specific destination appears on a sign with 14 words/numerals (i.e. business names) on it (source: *The Signage Sourcebook*, formula based upon experiment conducted on signs with a maximum of nine destinations). At 65 miles per hour—i.e. the freeway speed limit—a vehicle travels 630 feet in 6.6 seconds.
- While the time for maneuvering a vehicle varies on the situation, one study concluded that 8-10 seconds are required for a decision (i.e. to exit or not) followed by a lane change (source: *The Signage Sourcebook*).
- The College Parkway freeway exit ramp begins approximately 700 feet from the proposed sign.
- The existing soundwall will block approximately the lower 10 feet of the sign display from view of northbound freeway motorists, blocking approximately the lower six tenant panels. (See Attachment A; Attachment B and C show the freeway plans used in the analysis.)
- The applicant is pursuing plans to remove/relocate a portion of the soundwall adjacent to the shopping center. If this occurs in accordance with the preliminary plans, the sign would still be partially blocked from view at 750 feet for northbound motorists, therefore still requiring the additional sign height to be visible at all. The entire sign would become visible at approximately 550-650 feet from the sign, where the soundwall would end. The removal of the soundwall would also improve visibility of the sign for southbound traffic.

The combination of the above factors for viewing the sign from the freeway and an analysis of the sign's location in relation to the northbound freeway exit to College Parkway leads to the conclusion that a motorist will not have time to read all 14 tenant signs and make a decision to exit the freeway, although it might be expected that a motorist could see the larger primary signs for Wal-Mart and/or Home Depot in time to still be able to exit.

The applicant notes that the primary purpose of the signage is to alert motorist to the fact that certain businesses are located within the North Crossing Shopping Center for future reference—

i.e., they may not stop this time but they may at some time in the future. A more complete discussion of the need for shopping center signage and the economic benefits are included in the applicant's submittal, attached. As noted in *The Signage Sourcebook*, research would indicate that passing motorists would have time to identify any given tenant on the proposed sign, if not be able to exit the freeway at that time. The overall visibility of the sign is also the primary benefit to the long term economic benefits to Carson City.

As noted previously, a primary issue with this application is striking a balance between the need for sign visibility to attract economic development while minimizing impacts to surrounding properties and the community and unnecessary sign clutter. In this particular instance, the residences to the south of the subject site are the only residences that could be significantly impacted by the height, size and lighting of the proposed sign, as other residential areas to the west, north or east are either blocked from view or are at least a half-mile from the sign. The nearest residential property to the south is approximately 275 feet from the proposed sign.

A concrete block screen wall has been constructed behind the future Home Depot store as part of its development plan. This wall blocks the view of the proposed freestanding sign from the backyards of the houses adjacent to the site, but a few homes with second stories may still be able to see the upper portion of the proposed sign. Based upon a site inspection, it appears that portions of the sign would also be visible above the wall from further away (to the south) within the residential area.

In order to totally obscure the proposed sign from view from the residential area to the south, the sign would either have to be moved further north towards College Parkway and away from the residential neighborhood or significantly lowered in height. Either of these options would reduce or fully obscure visibility of the sign from the freeway. Lowering the sign in place would obscure more of the sign below the soundwall, even with a portion of the soundwall removed. Some reduction of the overall height may be reasonable if the soundwall is removed, but there is no certainty that it will be removed. Moving the sign to the north would also have the effect of lowering the sign in relation to the freeway height since the freeway grade goes up over College Parkway. The farther the sign is moved to the north, the higher it would need to be to remain visible from the freeway, negating any benefits from moving it that direction.

As a mitigation measure to minimize light and glare from the sign into the adjacent neighborhood and surrounding areas, staff recommends a condition of approval requiring unused, vacant tenant panels—i.e. sign panels without a tenant sign on it—to be “blackened out” with opaque facing materials rather than being left white. Viewing the existing signs at night shows that this would significantly reduce glare from the sign. The tenant signs generally incorporate more opaque color backgrounds that create less glare and are more legible to motorists.

CONCLUSIONS:

Staff supports a third freestanding standing sign, additional sign area for the shopping center and the proposed increase in height of the sign based upon the above discussion including the size of the shopping center, the specific circumstances of the property in relation to the freeway, the economic benefits to Carson City as a whole in attracting customers and future retailers to the shopping center, and with the recommended conditions of approval to mitigate some of the negative visual impacts of the sign.

However, staff has not been adequately convinced of the need for 14 tenant spaces on the sign where motorists have a limited time to read the sign due to location and highway speeds. As a possible mitigation measure to the visual impacts of the sign display area, a possible alternative for

consideration may be to reduce the total number of tenant spaces (removing some of the lower sign tenant spaces) thereby reducing the total sign area and the light and glare that accompany it. Bear in mind that the applicant has not offered this alternative for consideration, but staff brings this up as a point of discussion for the Planning Commission. It should also be noted that there are no clear or universally accepted standards for a regulation limiting the number of tenant signs, though the issue was previously discussed with the Planning Commission in regards to freeway-oriented signs in general. (Note: No action was taken to adopt such standards. It was determined that the Special Use Permit process was the best way to handle freeway-oriented signs in the near future.) While there may be a rational basis to limit the number of tenant signs, it is difficult for staff to pick a specific number of tenants that would be appropriate. At a minimum, it is standard practice for freeway-oriented signs to contain the names of the "major" tenants in a shopping center to attract customers to the center.

Staff also believes the blue "gas-food-lodging" signs on the freeway remain the most viable way of directing through-travelers off the freeway to services located at any given exit through Carson City. These signs must be applied for (and paid for) to NDOT by the business that wants its sign on the freeway. Staff believes these signs also benefit the larger retailers by directing motorists off the freeway for services, at which time they will see the other shopping and dining opportunities in the vicinity.

While staff believes the findings can be made to approve the proposed sign with 14 tenant panel spaces, the Planning Commission may conclude that the negative impacts of such a sign outweigh the benefits. If this is the case, the Commission may consider modifying the approval accordingly.

PUBLIC COMMENTS: Public notices were mailed to 69 adjacent property owners within 300 feet of the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045. As of November 15, 2007, no written comments have been received either in support or opposition of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS: Building Division and Engineering Division conditions have been incorporated into the recommended conditions of approval and are attached to this report. The Fire Department, Parks and Recreation Department and Environmental Health Services Division have no specific concerns or comments regarding this application.

AIRPORT AUTHORITY REVIEW: The subject parcel is within the adopted Airport Review Area. An Avigation Easement document has already been signed and recorded for the subject property with the construction of the Home Depot store. As a required condition of approval (#3), the sign application must be reviewed by the Airport Authority and comply with any required conditions per the recorded Avigation Easement document or other FAA requirements.

SPECIAL USE PERMIT FINDINGS: Staff's recommendation of approval of the Special Use Permit is based upon the recommended conditions of approval and the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and further substantiated in the applicant's written justification.

1. **The proposed development will be consistent with the master plan elements.**

The proposed sign:

- *Encourages the development of regional retail facilities (Policy 5.2a). The subject parcel is part of the largest shopping center in Carson City and is ideally located along the freeway to serve as a regional retail facility. The proposed sign will attract customers and help attract additional national retailers to enhance the city's tax base.*
 - *Help prevent retail leakage (Policy 5.2c). The attraction of customers and future retailers to the subject site will help minimize retail sales leakage to surrounding communities, and specifically Douglas County, by providing such facilities in a convenient, central and easily accessible location.*
 - *Establishes a standard for this sign along the freeway (Policy 3.2d). Policy 3.2d is to "establish and maintain signage controls for the Carson City freeway corridor..." While no universal standards have been adopted, the Planning Commission's action on this Special Use Permit effectively regulates the placement of this particular sign along the freeway. This approval accomplishes a goal that would be typical of any freeway-oriented sign regulations, that is to consolidate numerous potential signs onto one sign structure to minimize the visual impacts and sign clutter from such signs and establishes a comprehensive sign program for 50 acres along a 1,700-foot stretch of freeway frontage.*
- 2. The proposed development will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.**

The proposed sign is located within a 50 acre shopping center in a Limited Industrial zoning district and adjacent to a freeway. The impact of the proposed sign is very minimal compared to the permitted commercial and industrial use of the property per the zoning and is consistent with the level of impact that would be anticipated from normal property use in such a zoning district. The sign will create no noise, vibrations, odor, or physical activity, and the required condition of approval that requires vacant sign spaces to be blacked out will further limit impacts related to glare.

- 3. The proposed development will have little or no detrimental effect on vehicular or pedestrian traffic.**

The proposed signage is intended to be viewed by passing motorists on the freeway and is intended to attract customers to the site within anticipated levels of traffic volume for the surrounding streets. Proper signage has been shown to have a positive impact on motorists' ability to view what goods and services are available and react without causing accidents. Studies have shown no statistical correlation between freeway-oriented signs and accidents.

- 4. The proposed development will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.**

The proposed sign will not require or burden any public services and facilities as it is merely intended to be viewed for advertising existing and future shopping center businesses.

5. **The proposed development meets the definition and specific standards set forth in Title 18 for such particular use and meets the purpose statement of that district.**

The proposed sign is located in the Limited Industrial zoning district, which preserves land for manufacturing and warehousing uses but also allows all commercial and retail uses that are allowed within the commercial zoning districts. The propose sign meets the purpose of the Sign Ordinance (Division 4) as stated in the staff report discussion, especially in the signs effectiveness in communicating the availability of goods and services to consumers through the least obtrusive means practical (in size and height).

6. **The proposed development will not be detrimental to the public health, safety, convenience and welfare.**

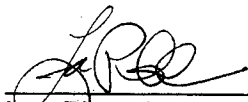
The proposal sign will pose not threat to the public but will provide for its convenience and welfare by effectively communicating to passing motorists the availability of goods and services in the area.

7. **The proposed development will not result in material damage or prejudice to other property in the vicinity.**

The proposed sign is located within a 50 acre shopping center in a Limited Industrial zoning district and adjacent to a freeway. The impact of the proposed sign is very minimal compared to the permitted commercial and industrial use of the property per the zoning and is consistent with the level of impact that would be anticipated in such a zoning district. The sign will create no noise, vibrations, odor, or physical activity, and the required conditions of approval that require vacant sign spaces to be blacked out will further limit impacts related to glare. This application is reviewed based on the particular circumstances of this property and will not prejudice potential future sign applications from surrounding property owners. The sign will likely benefit surrounding commercial property owners by drawing attention to businesses in the vicinity.

Respectfully submitted,

PLANNING DIVISION



Lee Plemel, AICP, Principal Planner

H-9




CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES



Engineering Division
Planning Commission Report
File Number SUP 07-161

TO: Planning Commission
FROM:  Jeff Sharp, P.E. – Deputy City Engineer

DATE: November 14, 2007 MEETING DATE: November 28, 2007

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from Kent Witt (property owner: North Carson Crossing, LLC) to allow an increase in allowable sign height on property zoned LI located on APN 02-755-16.

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request. If the request is approved, then the following conditions of approval are recommended:

1. The sign shall be placed so as to maintain proper separation from above and below ground utilities. Coordination with the civil design engineer for sign placement is highly advised.
2. The sign shall not be placed within any utility, access or drainage easement.
3. The sign shall not interfere with drainage facilities.

DISCUSSION:

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses.

CCMC 18.02.080 (2a) - Adequate Plans

The information submitted by the applicant is adequate for this analysis.

CCMC 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The proposal will have little effect on traffic or pedestrian facilities.

CCMC 18.02.080 (5d) - Public Services

Existing facilities are not impacted.



| | |
|---------------------------------|-----------------------|
| File # (Ex: MPR #07-111) | SUP #07-161 |
| Brief Description | Increase sign height |
| Project Address or APN | 02-755-16 / Market St |
| Bldg Div Plans Examiner | Don Wilkins |
| Review Date | November 14, 2007 |
| Total Spent on Review | 0.5 hour |

BUILDING DIVISION COMMENTS:

NOTE: These comments do not constitute a complete plan review, but are merely observations based on the information provided.

1. Project requires application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The Carson City Building Division will be adopting new construction codes later in this year. Effective January 1, 2008, all new commercial submittals shall show compliance with the following codes, and adopted amendments:
 - 2006 International Building Code
 - 2006 International Energy Conservation Code
 - 2006 International Existing Building Code
 - 2006 International Fire Code
 - 2006 Uniform Mechanical Code
 - 2006 Uniform Plumbing Code
 - 2005 National Electrical Code
 - 2003 ICC/ANSI A117.1 (For accessible design)

NOTE: ICC/ ANSI A117.1 is currently enforced, and will be carried over with the adoption of the new codes.

In addition, the new code adoption will have an impact on structural design with the snow loads and wind load being increased to reflect the results of a regional study conducting in cooperation with University of Nevada Reno School of Engineering and the Structural Subcommittee of the Northern Nevada Chapter of the International Code Council.

H-4

MEMORANDUM

Revised

TO: Community Development

FROM: Tom Tarulli, Assistant Fire Chief

DATE: November 6, 2007

SUBJECT: AGENDA ITEMS FOR NOVEMBER 2007 PLANNING COMMISSION MEETING

We reviewed the agenda items for the November 28, 2007 Planning Commission Meeting and have the following comments:

- VAR-07-160 John Serpa We have no comment regarding the applicant's request to vary the required 50 foot rear setback.
- SUP-07-161 North Crossing LLC We have no comment regarding the applicant's request.
- SUP-07-162 Peter Tomaino We approve the plan as submitted, to include previously discussed Fire Department requirements.
- VAR-07-164 Kevin and Gretchen Gattis We have no comment relative to the applicant's request.

TT/llb



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

MEMORANDUM

TO: Walter Sullivan, Planning & Community Development Director
Lee Plemel, Principle Planner
Rose Mary Johnson, Management Assistant

FROM: Roger Moellendorf, Parks & Recreation Director
Daria Petrenko, Management Assistant

DATE: November 5, 2007

SUBJECT: Planning Commission Agenda Items for Wednesday, November 28, 2007



The following are agenda item responses from the Parks and Recreation Department:

| | |
|-------------|--|
| VAR-07-160 | No Comments |
| SUP-07-161 | No Comments |
| SUP-07-162 | No Comments |
| MPA-07-163 | Our department will provide supporting comments as a separate document from the memorandum. |
| VAR-07-164 | No Comments |
| MISC-07-165 | No Comments |
| MPA-07-166 | Our department will provide the Annual Master Plan Report as a separate document from this memorandum. |
| ZCA-07-171 | No Comments |

H-9

From: Jennifer Pruitt
To: Johnson, Rose Mary; Plemel, Lee
Date: 11/5/2007 2:59:45 PM
Subject: Fwd: SUP-07-161

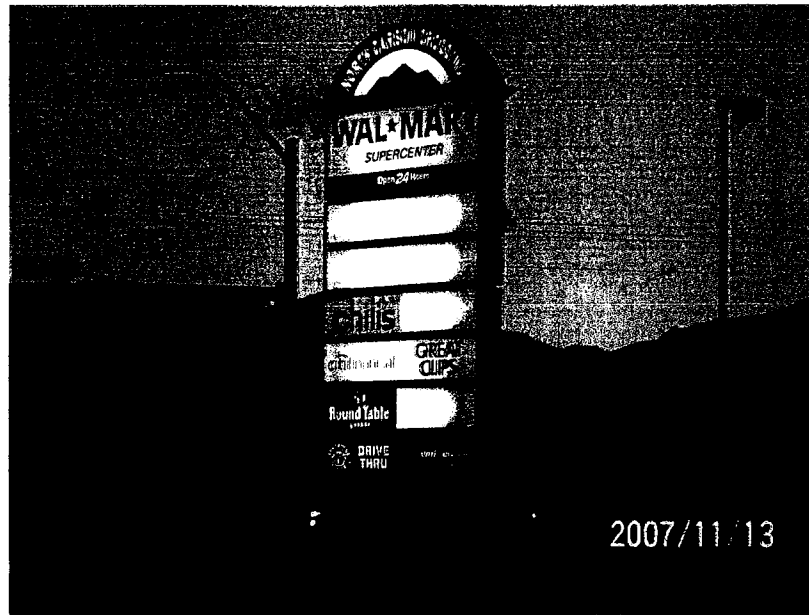
FYI

>>> Teresa Hayes 11/05/2007 12:44 PM >>>
No comment at this time.

Teresa Hayes
Environmental Health Specialist
Carson City Health and Human Services
900 E. Long St
Carson City, NV 89706
Phone: (775) 887-2190 ext 1024
Fax: (775) 887-2248



View East from Wal-Mart site
(Note screen wall behind houses)



Existing Roop Street sign at dusk

Carson City Planning Division

2621 Northgate Lane, Suite 62 • Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

CCMC 18.02

RECEIVED

SPECIAL USE PERMIT OCT 25 2007

FEES: \$1,200.00 MAJOR
\$500.00 MINOR (Residential)
+ noticing fee

**CARSON CITY
PLANNING DIVISION**

FILE # SUP-07-161

PROPERTY OWNER

NORTH CARSON CROSSING LLC

MAILING ADDRESS, CITY, STATE, ZIP

P.O. Box 12457 Reno, NV 89510-2457

PHONE #

775-843-6330

FAX #

775-849-2472

Name of Person to Whom All Correspondence Should Be Sent

APPLICANT/AGENT

KENT WITT

MAILING ADDRESS, CITY, STATE, ZIP

SAME AS ABOVE

PHONE #

SAME AS ABOVE

FAX #

E-MAIL ADDRESS

KENTRENO@AOL.COM

SUBMITTAL PACKET

- G Application Form
- G Site Plan
- G Building Elevation Drawings and Floor Plans
- G Proposal Questionnaire With Both Questions and Answers Given
- G Applicant's Acknowledgment Statement
- G 26 Completed Application Packets (1 Original + 25 Copies)
- G Documentation of Taxes Paid-to-Date
- G Project Impact Reports (Engineering)

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

Project's Assessor Parcel Number(s):

2-755-16

Street Address

MARKET ST

ZIP Code

Project's Master Plan Designation

REGIONAL RETAIL SHOPPING COMPLEX

Project's Current Zoning

LIMITED INDUSTRIAL/COMMERCIAL

Nearest Major Cross Street(s)

COLLEGE PARKWAY

Briefly describe your proposed project: (Use additional sheets or attachments if necessary)

In accordance with Carson City Municipal Code (CCMC) Section: _____, or Development Standards, Division _____, Section _____, a request to allow as a conditional use is as follows:

INCREASE HEIGHT AND SIGN/DISPLAY AREA AS SET FORTH ON

THE ATTACHED PROJECT DESCRIPTION OF A PYLON SIGN ON WEST SIDE OF US 395/I-580 APPROX 1,450 feet SE OF COLLEGE PARKWAY.

PROPERTY OWNER'S AFFIDAVIT

I, KENT WITT, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Kent Witt
Signature

P.O. Box 12457, Reno, NV 89510-2457
Address

10-24-07
Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY of WASHOE

On October 24th, 2007, KENT WITT, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

[Signature]
Notary Public



DIANE HANKS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 03-84398-2 - Expires October 1, 2011

NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, Downtown Design Review, and/or the Redevelopment Authority Citizens Committee. Prior to being scheduled for review by the Planning Commission, Planning personnel can help you make the above determination.

NORTH CARSON CROSSING

50 acre Retail Commercial Center
US 395/I-580 Interchange with College Parkway
October 24, 2007

RECEIVED

OCT 25 2007

CARSON CITY
PLANNING DIVISION

SUP-07-161 PROJECT DESCRIPTION

North Carson Crossing is a regional retail shopping and dining complex anchored by a 24 hour Wal-Mart Super Center and a Home Depot, the no. 1 and no. 2 retailers in the world. Wal-Mart opened its North Carson Crossing store in October 2005, and Home Depot is under construction with a scheduled opening in the spring of 2008. Upon the US 395/I-580 freeway completion in 2010 from Reno to Highway #50 west at Costco, Carson City will begin a dramatic transition that will transform Carson City into a freeway interchange oriented community. Presently, Carson City faces fierce competition from adjacent Douglas County for sales tax revenue. North Carson Crossing is presently competing with Douglas County for several prospective national retail tenants and restaurants that are also being courted by a large proposed Douglas County shopping center to be developed on US 395 across from the existing Carson Valley Plaza shopping center. Most of these prospective tenants only plan one location for the foreseeable future in the Carson City/Douglas County trade area. If North Carson Crossing loses any of these prospective tenants to the proposed Douglas County shopping center, sales tax revenues would be lost by Carson City for many years.

The proposed freeway pylon sign that is subject to this SUP application offers a unique attraction to all of the major national tenants presently being solicited by North Carson Crossing. Many of these desirable tenants will refuse to locate at North Carson Crossing without this freeway pylon sign. The national tenants that we are presently trying to entice to North Carson Crossing outnumber the twelve vacant panels shown on the enclosed sign illustration. The importance of this pylon sign can be best evidenced by the \$200,000 that North Carson Crossing is investing in the construction and installation of this sign. In order to convince a national tenant to consider locating its business at North Carson Crossing instead of at the heavy retail concentration in north Douglas County, this requested freeway pylon sign is mandatory. Unfortunately, Carson City and North Carson Crossing must also contend with an existing sound wall that was constructed by NDOT along much of the freeway from the Carson Tahoe Hospital to East William St. At the College Parkway interchange, there is a limited opening in the existing NDOT sound wall. To overcome this brief visibility, North Carson Crossing needs the requested freeway pylon sign to slow passing motorists and to solicit safe customer exits from the freeway. We realize that Wal-Mart and Home Depot with the largest panels will capture most of the attention in time for shoppers to exit the freeway. However, the smaller proposed panels are large enough to be read from 750', and they will be remembered by the passing motorist who may decide to return to North Carson Crossing at a later date because of a tenant's name that was recognized on the sign.

**North Carson Crossing
SUP-07-161
PROJECT DESCRIPTION
October 24, 2007
Page 2**

North Carson Crossing is presently investigating the removal of approximately 1,100' of the existing freeway sound wall which would open up the long term visibility of the entire North Carson Crossing shopping center to motorists traveling in both directions on the freeway. This proposed sound wall removal would provide profound long term benefits to Carson City and to North Carson Crossing upon completion of the freeway through Carson City. However, the requested height of the freeway pylon sign would not change with the proposed sound wall removal, because the freeway pylon sign would still need to rise above the remaining sound wall to be seen. The sound studies and neighborhood meetings for the sound wall removal will take months to complete, and we do not have an estimated completion date. The requested sign height increase is a direct result of the 17' high freeway sound wall, because the pylon sign must rise above the sound wall to be seen. The requested increase in sign display area is necessary because of the speed of the passing motorists. The minimum sign panel size was calculated to achieve visibility as far as possible at freeway speed limits. The requested freeway pylon sign will have no more sign panels than shown on the enclosed sign illustration, and the minimum sign panel will be 4' high x 10' wide. This freeway pylon sign has no blinking lights or outside lighting, and the sign generates no dust, vibration, noise, fumes or odors. Underground electricity will be brought to the sign. The face of the panels is a heavy flex face vinyl, with diffused florescent lighting behind the flex face. The two existing North Carson Crossing pylon signs at College Parkway and Roop St. are identical in construction to the proposed freeway pylon sign, only smaller, since adjacent traffic is traveling at slower speeds and must often stop for the existing traffic signals.

A summary of the sign measurements are as follows:

- 7½' Height from shopping center grade at base of sign to the freeway grade
- 17' Height of existing sound wall above the freeway grade
- 41' Height of sign above the sound wall (40' display height plus decorative cornice)
- 65½' Total sign height from top to bottom (shopping center grade)

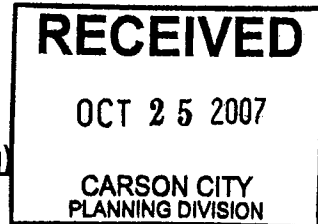
Display area is 800 square feet (40' high x 20' wide)

The total sign display area is 1,520 square feet for the two (2) existing pylon signs and the proposed freeway pylon sign. A previous SUP approved a total display area of 720 square feet for the two (2) existing pylon signs (360 square feet each). The total permitted sign display area for the shopping center is 300 square feet under the existing zoning. A summary of the display area is shown on the enclosed Freestanding Sign Calculations.

North Carson Crossing
SUP-07-161
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October 24, 2007
Page 3

The distance from the freeway pylon sign to the nearest residential structure is approximately 275' separated by a private sound wall that Home Depot is constructing 18' from the residential property line. This private sound wall will be no less than 16' higher than the adjacent neighbors back yard elevation. We met with our surveyor at the shopping center on October 22nd and ordered the information necessary to prepare a profile of the freeway pylon sign and the private sound wall being constructed behind Home Depot. This will allow us to address the visual impacts, if any, of the proposed freeway pylon sign to the adjacent neighbors. We did not have time after the SUP application completeness meeting for our surveyor to organize this information. However, it will be provided to planning staff when completed, and it will also be presented at the public hearing. The photo simulation enclosed with this SUP application shows the freeway pylon sign very close to the actual location. Following the SUP application completeness meeting, we were unable to schedule the appropriate personnel and equipment to confirm the accuracy of this photo. However, this information will also be provided to staff upon receipt and presented at the public hearing.

FINDINGS SUP-07-161
(REVISED pursuant to Application Completeness Meeting)
North Carson Crossing LLC SUP Application
October 24, 2007



Question No. 1: How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements?

Balanced Land Use Pattern Finding:

A true regional center, which is a goal of the Carson City Master Plan, must be located on major highway arterials with the best possible signage enabling the project to be easily found and accessed daily by thousands of visitors. This freeway pylon sign is appropriate and necessary for the long term success of North Carson Crossing, a regional retail center that will provide Carson City with employment opportunities and retail services. This freeway pylon sign is consistent with the existing land use designation, and the limited industrial/commercial zoning designation permits a 30' high pylon sign. This SUP application requests a variance to increase the sign height from 30' to 58' above the freeway grade and to increase the display area of the sign to 800 square feet. The sound wall along the freeway is 17' high, and the freeway grade is 7½' higher than the landscaped island where the pylon sign will be located. There is a slope from the freeway grade to this landscaped island. Although the total height of the pylon sign from the top of the sign to the landscaped island is 65½', only the 40' display face and the one foot cornice crown will be seen from the freeway. This increased height is necessary for the sign display area to be visible above the existing freeway sound wall. The display face area requested for this pylon sign is 800 square feet (40' high x 20' wide) as explained in the attached Freestanding Sign Calculations. The attached Project Description contains the reasoning behind and the merits of the requested increase in sign height and display area. This freeway sign location is not within a flood plain, an environmentally sensitive area or near any geological hazards, and the location does not interfere with any setbacks, utility lines or dedications. This pylon sign does not interrupt any existing landscaping, pathways or easements, and no trees are required to be removed. This pylon sign uses no water, and the electrical use is minimal with only florescent lighting which promotes energy conservation.

Equitable Distribution of Recreational Opportunities Finding:

This pylon sign has no effect on park facilities, open space and/or the Carson River.

Economic Vitality Finding:

The Carson City Master Plan encourages the development of regional centers. This freeway pylon sign will play an important and critical role in the long term success of North Carson Crossing, a fifty (50) acre regional, retail shopping complex located at the College Parkway I-580/US 395 freeway interchange. North Carson Crossing will provide Carson City with substantial property and sales tax revenues, varied employment opportunities, and diverse retail/dining services.

Livable Neighborhoods and Activity Centers Finding:

This freeway pylon sign is a double sided flex face sign that shall be constructed with durable long lasting materials, and the sign will be continually maintained. The electric service to the sign shall be underground.

FINDINGS SUP-07-161
(REVISED pursuant to Application Completeness Meeting)
North Carson Crossing LLC SUP Application
October 24, 2007

A Connected City Finding:

North Carson Crossing brings Wal-Mart and Home Depot, the No. 1 and No. 2 retailers in the world respectively, to a freeway interchange that intersects with College Parkway, a major arterial designated as Carson City's ring road. Presently, and for the long term foreseeable future, this will be the only Wal-Mart and Home Depot within the Carson City limits. In approximately three (3) years, completion of the freeway from Reno to South Carson St. at Highway 50 West will have a profound permanent effect on the travel routes of Carson City shoppers, residents and visitors. Almost overnight, Carson City will become a freeway oriented community with most of its retail/commercial business conducted at freeway interchanges, which will require freeway signs to highlight the location of major retailers and businesses. It is important to note that this Wal-Mart SuperCenter is open 24 hours per day. This freeway pylon sign will become of paramount importance to Carson City as the years go by and the freeway traffic increases substantially.

Question No. 2: Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?

Explanation A:

This freeway pylon sign presents no detrimental effects to the immediate vicinity or to the general neighborhood. This sign is located within the Home Depot parcel between the West side of the US 395/I-580 freeway and the truck delivery drive aisle. It is surrounded by limited industrial/commercial zoning and located approximately 250' North of the nearest single family residential property as shown on the enclosed preliminary site plan for the North Carson Crossing shopping center.

Explanation B:

This pylon sign will blend in with the shopping center and freeway, and the sign does not generate noise, dust, vibration, fumes, odors or glare.

Explanation C:

This freeway pylon sign has no exterior lights, and it is internally illuminated with non-blinking, unobjectionable diffused florescent lighting installed behind heavy vinyl flex face panels. This type of illumination does not cast light or glare, and this sign utilizes the same kind of internal florescent lighting as the existing North Carson Crossing pylon sign at the SW corner of Market St and College Parkway.

Explanation D:

This freeway pylon sign is positioned to provide advance visibility to North bound traffic on the I-580/US 395 freeway in order to solicit and promote safe exits at the North bound freeway off ramp for both new and repeat customers to North Carson Crossing. The increased height of this pylon sign offers each tenant the opportunity to have 33" sign panel letters that are legible from a distance of 750' at 65 miles per hour (The Signage Sourcebook from the Small Business Administration).

FINDINGS SUP-07-161
(REVISED pursuant to Application Completeness Meeting)
North Carson Crossing LLC SUP Application
October 24, 2007

Explanation E:

The short and long range benefits provided by this pylon sign are: (1) safer solicitation of freeway exits for North bound traffic to the North Carson Crossing regional retail complex; and (2) economic benefits from higher retail sales that result in increased tax revenues to Carson City; and (3) intercepts freeway shoppers, travelers and visitors and safely directs them to North Carson Crossing preventing the loss of sales tax revenues to another county.

Question No. 3: Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?

Explanation A:

This pylon sign does not affect the school district, student population or the Sherriff's Office.

Explanation B:

This pylon sign does not affect drainage and does not require any paving or compacted surface.

Explanation C:

This pylon sign uses no water.

Explanation D:

This pylon sign uses no sewer

Explanation E:

This pylon sign is privately maintained and accessed using privately owned drives.

Explanation F:

Our source of information is from: (a) the Carson City Community Development Dept.; and (b) The Signage Sourcebook; and (c) Custom Signs in Carson City; and (d) C & M Engineering in Reno; and (e) our personal knowledge acquired through our development of the Home Depot site; and (f) our experience as a developer, owner and manager of other major shopping centers in Northern Nevada.

Explanation G:

No outdoor lighting shall be used for this pylon sign.

FINDINGS SUP-07-161
(REVISED pursuant to Application Completeness Meeting)
North Carson Crossing LLC SUP Application
October 24, 2007

Explanation H:

The base of this pylon sign is located within a landscaped area that has been approved by Carson City and has been permitted for construction by Home Depot.

Explanation I:

No parking is required for this pylon sign.

RECEIVED

OCT 25 2007

CARSON CITY
PLANNING DIVISION

NORTH CARSON CROSSING
50 acre Retail Commercial Center
US 395/I-580 Interchange with College Parkway
October 24, 2007

SUP-07-161
FREESTANDING SIGN CALCULATIONS

| | |
|--------------------------|--|
| 360 square feet | Existing pylon sign at NE corner Roop St & Hot Springs Rd. Sign display face area = 30' high x 12' wide |
| 360 square feet | Existing pylon sign at SW corner Market St & College Parkway Sign display face area = 30' high x 12' wide |
| <u>800 square feet</u> | Proposed freeway pylon sign Sign display area = 40' high x 20' wide |
| 1,520 square feet | TOTAL SIGN DISPLAY AREA FOR SHOPPING CENTER |
| <u>- 720 square feet</u> | Sign display area approved September 28, 2005 under SUP-05-171 |
| 800 square feet | Sign area subject to this SUP application |
| 1,520 square feet | TOTAL SIGN DISPLAY AREA FOR SHOPPING CENTER |
| <u>- 300 square feet</u> | Permitted sign area |
| 1,220 square feet | Sign display area in addition to the permitted sign area |

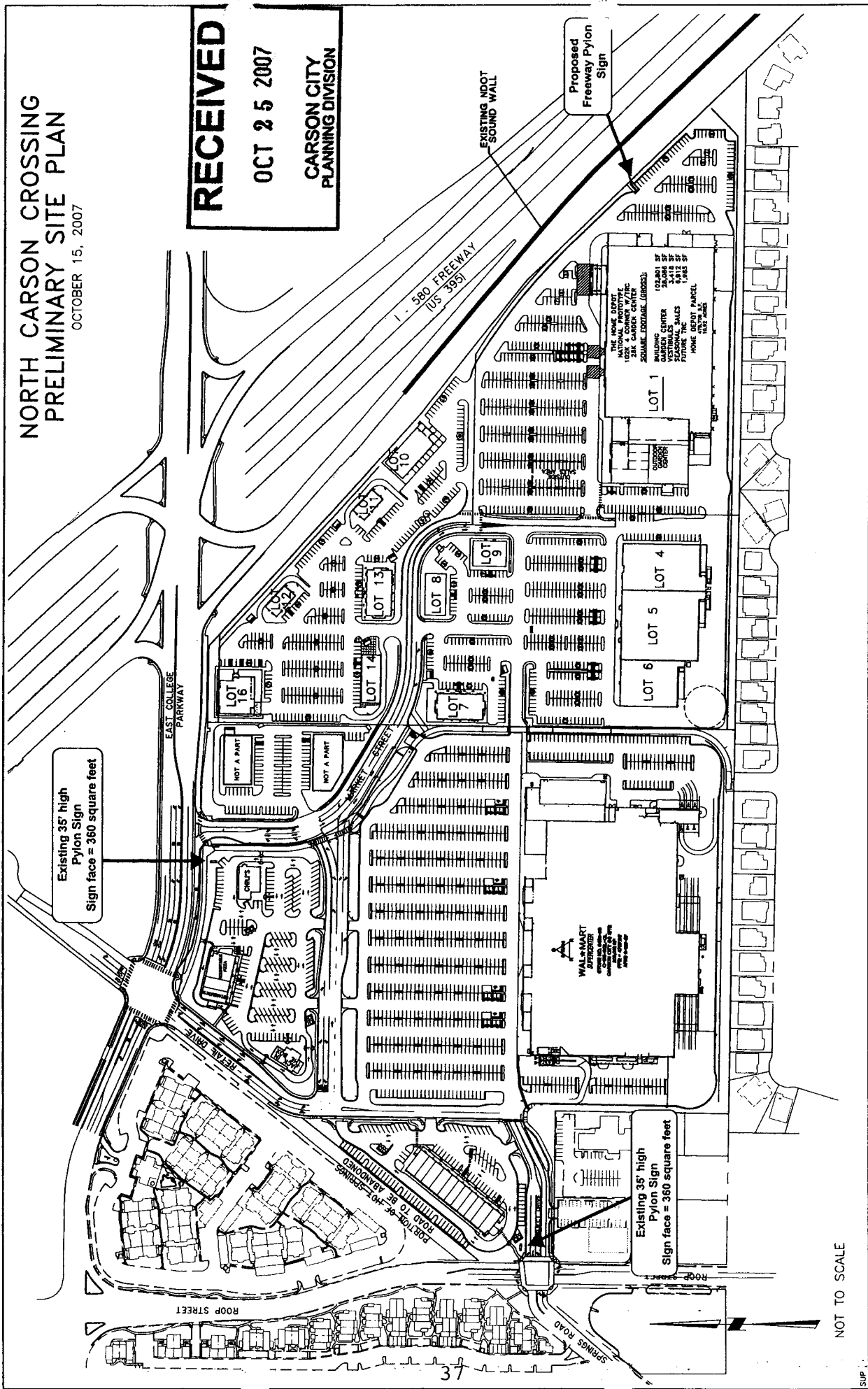
**NORTH CARSON CROSSING
PRELIMINARY SITE PLAN**

OCTOBER 15, 2007

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OCT 25 2007

CARSON CITY
PLANNING DIVISION



NOT TO SCALE

SUP

SIGN FACE DISPLAY AREA
40' high x 20' wide
800 square feet

RECEIVED
OCT 25 2007
CARSON CITY
PLANNING DIVISION

40'-0"
above
sound
wall

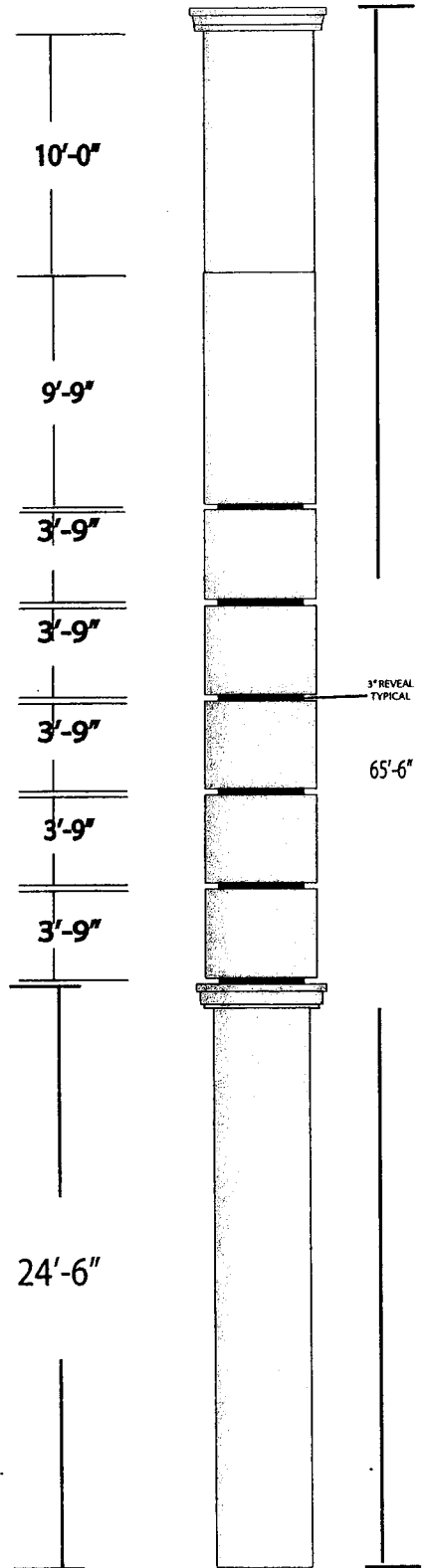
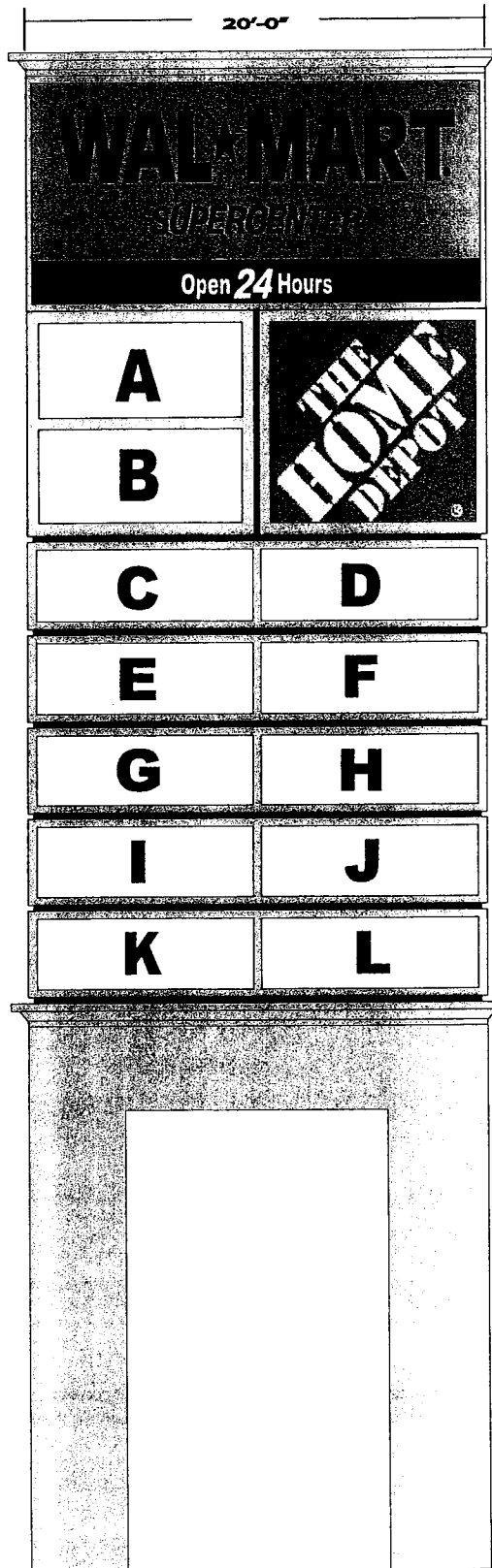
TOP OF FREEWAY
SOUND WALL

SOUND WALL 17'-0"

FINISHED GRADE
OF FREEWAY

VERTICAL
HEIGHT OF
SLOPE 7'-6"

FINISHED GRADE
OF SHOPPING CENTER



Manufacture and install D/F pylon sign with 40'-0" above sound wall.

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North Carson Crossing **FREEWAY PYLON**

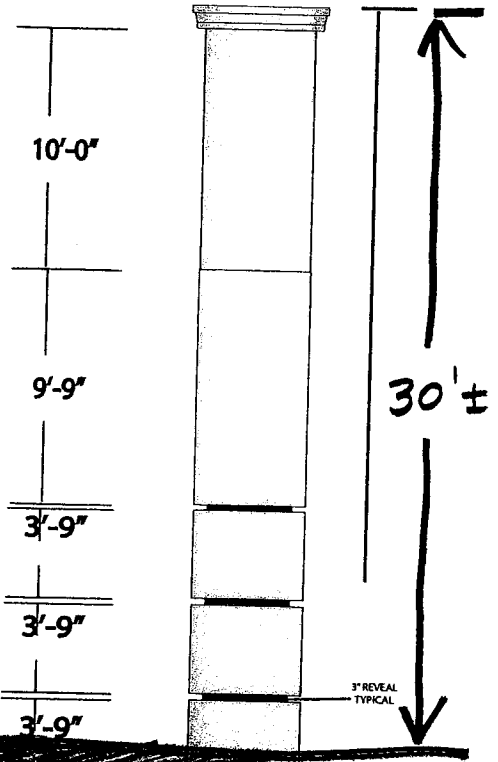
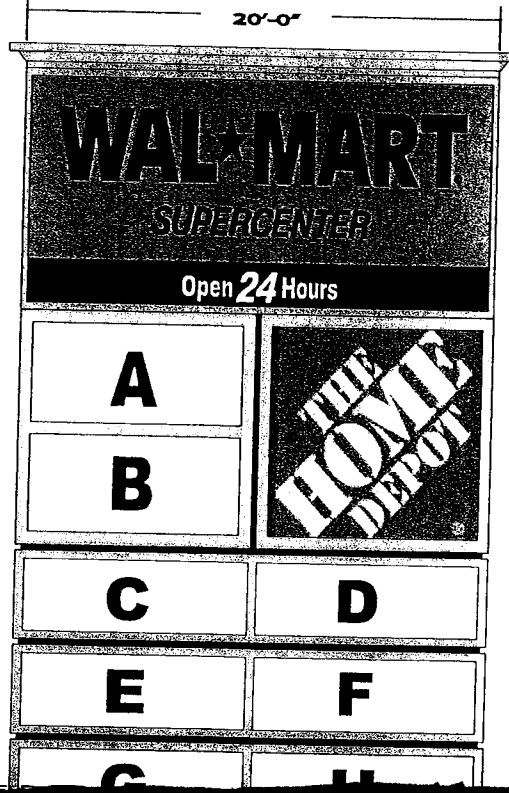
| SCALE | SALESMAN | DATE | DESIGNER |
|------------|--------------|--------------|-----------|
| 1/8"=1'-0" | M. LIPKOWITZ | Feb. 6, 2007 | T. POLAND |
| | | Apr. 3, 2007 | |

Oct. 24, 2007

Custom Sign
2222 Mouton Drive
Carson City, NV 89706
Ph. 775-884-1818

SIGN FACE DISPLAY AREA
40' high x 20' wide
800 square feet

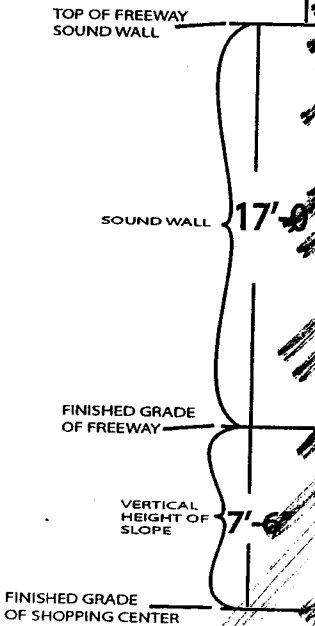
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OCT 25 2007
CARSON CITY
PLANNING DIVISION



40'-0" above sound wall

APPROXIMATE VIEW LINE FROM 750' NORTHBOUND

BLOCKED BY SOUNDWALL



Manufacture and install D/F pylon sign with 40'-0" above sound wall.

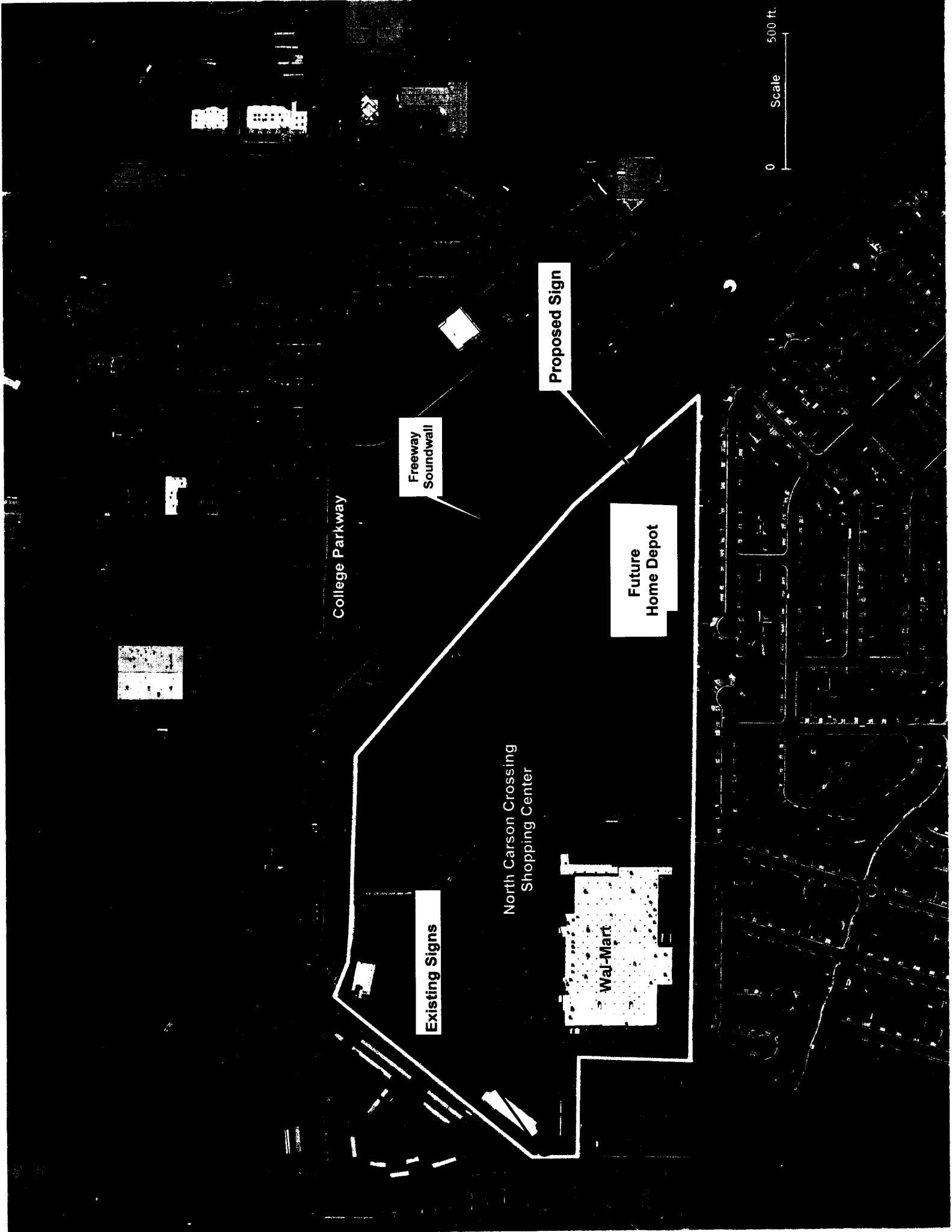
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North Carson Crossing FREEWAY PYLON

| SCALE | SALESMAN | DATE | DESIGNER |
|------------|--------------|--------------|-----------|
| 1/8"=1'-0" | M. LIPKOWITZ | Feb. 6, 2007 | T. POLAND |
| | | Apr. 3, 2007 | |

Oct. 24, 2007

Custom Sign
2222 Mouton Drive
Carson City, NV. 89706
Ph. 775-884-1818



College Parkway

Freeway
Soundwall

Proposed Sign

Future
Home Depot

North Carson Crossing
Shopping Center

Existing Signs

Waj-Mart

0 500 ft.
Scale

| | | | |
|----------|--------|-------------|--------------|
| DES. NO. | STATE | PROJECT NO. | COUNTY |
| REC. NO. | NEVADA | CC FREEWAY | CARSON CITY |
| | | | SHEET NO. 33 |

NDOT, FREEWAY CONSTRUCTION PLANS

ATTACHMENT C

Y4/S10
Y4/S10
Y4/S10

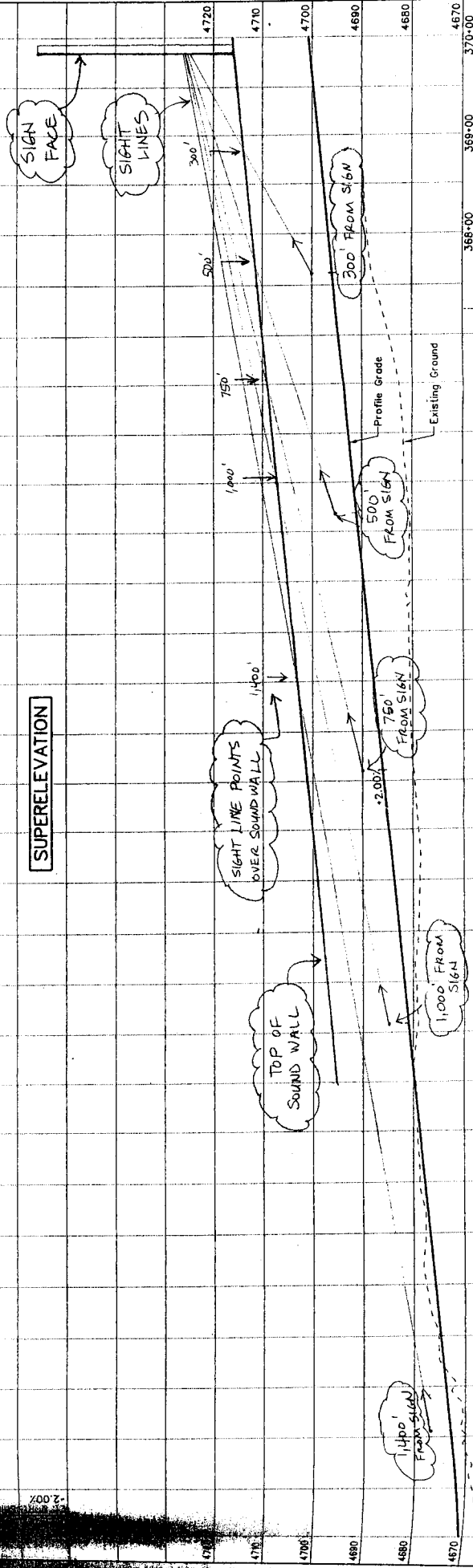
+5.0%

Axis of Rotation

LL & Rt. Side: -2.00%

SUPERELEVATION

-2.00%



PROFILE - MAINLINE "01"

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
CARSON CITY FREEWAY US 395 PHASE B
"01" 355+00 TO "01" 370+00

PBS
DESIGNED BY
DRAWN BY
CHECKED BY
REVIEWED BY

PRELIMINARY
SUBJECT TO REVISION

355+00 356-00 357-00 358-00 359-00 360-00 361-00 362-00 363-00 364-00 365-00 366-00 367-00 368-00 369-00 370-00

