



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 23, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-22985 - APPLICANT/OWNER: SY HOLDINGS I, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a Request for a Variance to Title 19.14.070 to allow existing exposed neon tube to be 84 feet from residentially zoned property where 200 feet is the minimum setback required at 4343 North Rancho Drive. The applicant states that the neon tube lighting is necessary to provide extra security lighting in addition to the existing security lighting fixtures in place. The neon tube is currently located at the rear of an existing shopping center and has been cited by Code Enforcement for non-compliance.

As there is no substantial justification for the exposed neon tube to be placed at the rear of the building facing towards the neighboring residential property, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/01/00	The City Council approved a Special Use Permit (U-154-00) for a Restaurant Service Bar at 4343 North Rancho Drive. The Planning Commission and staff recommended approval.
10/04/06	The City Council voted to approve the Request for a Special Use Permit (SUP -14692) for a proposed Auto Title Loan Business with a Waiver of the 200-foot separation distance from a parcel zoned for a residential use and a Waiver of the 1000-foot separation distance from another financial institution at 4343 North Rancho Drive, Suite #150. Due to a tie vote, Planning Commission made no recommendation. Staff recommended denial.
2/28/07	Code enforcement #50896: Illegal signage at shopping center placed on the sidewalk and street. Case resolved 3/15/07
4/04/07	Code enforcement #51963: Illegal banner located on second floor of shopping center. Case resolved 4/24/07.
6/12/07	Code enforcement #54348: Illegal signage at shopping center exposed lights on south and southwest sides of building. Case resolved 7/31/07.
<i>Related Building Permits/Business Licenses</i>	
1/29/07	Building Permit #7002337 issued, under Plan Check #L-626-07: Install three electronic message units on existing pylon sign. Special inspection required prior to final inspection.
<i>Pre-Application Meeting</i>	
7/19/07	Staff met with the applicant to discuss the Title 19.14.070 Signage Standards and the necessity to either remove the existing exposed neon tube or seek an approved Variance allowing such use. Staff explained the process and requirements for submitting a Variance request.

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Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
7/23/07	A field check was to the site was made with the following observations: <ul style="list-style-type: none"> • Neon tubing existing on south & southwest of building facing towards rear of existing mobile home park. • Multiple Title 19.14 signage violations.

Details of Application Request	
Site Area	
Net Acres	2.9 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-2 (General Commercial)
North	Convenience Stores	SC (Service Commercial)	C-2 (General Commercial)
South	Commercial Center	SC (Service Commercial)	C-2 (General Commercial)
East	Bank & Tavern	SC (Service Commercial)	C-2 (General Commercial)
West	Mobile Home Park	L (Low Density Residential)	R-MH (Mobile/Manufactured Home)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails			NA
Rural Preservation Overlay District			NA
Development Impact Notification Assessment			NA
Project of Regional Significance			NA

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DEVELOPMENT STANDARDS

Pursuant to Title 19.14.070(B) Illuminated Signs, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Signage shall not contain bare bulbs, exposed neon tube, animation or an electronic message unit.	200 feet	84 feet	N

ANALYSIS

Per Title 19.14.070(B) Illuminated Signs located more than 40 feet from property zoned for residential use, but within 200 feet of such property and the sign is visible from such property, it shall not contain exposed neon tube. The applicant currently has installed neon tubing around the side and rear of the existing shopping center which faces toward the existing mobile home park 84 feet to the west. As this is a self-imposed hardship that has no demonstrable merit for placing decorative, non-compliant neon lighting, staff recommends denial of this request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070(L) states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by installing non-compliant signage (exposed neon tube lighting) along the back and side of a commercial building facing towards a residential development. Removing or screening the lighting would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 184

APPROVALS 0

PROTESTS 4