

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 7, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

**SUBJECT:
VARIANCE**

VAR-23575 ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: EBENEZER CHURCH OF GOD IN CHRIST Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW A FREESTANDING INSTITUTIONAL SIGN TO BE 10.75 FEET HIGH WHERE EIGHT FEET IS THE MAXIMUM HEIGHT PERMITTED; TO ALLOW THE SIGN AREA TO BE 129 SQUARE FEET WHERE 50 SQUARE FEET IS THE MAXIMUM AREA PERMITTED; AND TO INCLUDE AN ELECTRONIC MESSAGE UNIT WHERE NO SUCH ILLUMINATION TYPE IS PERMITTED FOR AN EXISTING CHURCH/HOUSE OF WORSHIP on 1.11 acres at 1072 West Bartlett Avenue (APN 139-21-501-003), R-1 (Medium-Low Density Residential) Zone, Ward 5 (Barlow). The Planning Commission (4-2 vote) and staff recommend DENIAL.

PROTESTS RECEIVED BEFORE: APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	2	Planning Commission Mtg.	13
City Council Meeting	0	City Council Meeting	1

RECOMMENDATION:
The Planning Commission (4-2 vote) and staff recommend DENIAL.

- BACKUP DOCUMENTATION:**
1. Location and Aerial Map
 2. Conditions and Staff Report
 3. Supporting Documentation
 4. Photos
 5. Justification Letter
 6. Appeal letter filed by Ebenezer Church of God in Christ
 7. Support postcard
 8. Backup referenced from the 09-13-07 Planning Commission Meeting Item 44

Motion made by RICKI Y. BARLOW to Table

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

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Minutes:

Prior to declaring the Public Hearing open, MAYOR PRO TEM REESE thanked one group of Boy Scouts for attending the meeting and invited JACK LEAVITT, Troop 99 of Our Lady of Las Vegas Catholic Church, to introduce himself and his troop.

DEACON LEONARD FULMAR, Administrator of Ebenezer Church of God in Christ, appeared with DONNA MEYERS, Allstar Signs, 6625 South Valley View Boulevard. DEACON FULMAR gave the history of how Ebenezer Church first received approval in 1965 to allow a church on the northeast corner of Concord Street and Bartlett Avenue. The church has continued to build on its vision since 1965 and in April of 2007, permits were issued for a 17,500 square foot edifice at this site. The progress and success of this construction can be attributed to the partnership between the City and the church. All efforts have been in promoting the Las Vegas community. He realizes that their approach "city church" is necessarily imperfect; yet they share the responsibility for the welfare of the community. The purpose of the variance is to establish a procedure to allow for adjustments in specific requirements. The Planning Commission and City Council have certified that the land area occupied by the church is a special use area and special considerations apply to the approval of this sign. The church is anxious to work with staff. The special use in existence was to be the basis for consideration of the sign and not a residentially zoned property. They would then revert to the requirement of a free standing sign to determine the size of the sign.

TEDDY RUSSELL, Las Vegas Councilmember, endorsed and concurred with DEACON FULMAR'S comments. Sometimes things have to be done that are quite unique, and he believes this is the case here. The Mayor and City Council have committed to partner with all faith-based organizations and he supports the approval.

COUNCILMAN BANCOW thanked DEACON FULMAR for his comments. He clarified the variance request does not meet City code residential adjacency requirements. The neon lighting does not belong in this particular residential area. Both Planning Commission and staff did not recommend approval due to the fact that a certain element needs to exist within a residential community. The church is a beautiful building and he will continue to support the church; however, he cannot support the sign package. He requested DEACON FULMAR redesign the sign. Rather than denying the variance, he suggested the item be tabled to give the applicant an opportunity to work with the architect and come up with a sign package that meets all Code requirements.

DEACON FULMAR appreciated the Councilmans comments, but he believed that a determination on the size of the sign cannot be made based on it being a residential property. The City Council and Planning Commission have previously determined that this was a special use property and not a residential property. In fact, records indicate that the City required the church to abandon the subdivision of its property so there would be acreage. Therefore, Title 19.14.70, relative to a free standing sign, would determine its size.

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COUNCILMAN BARLOW asked MARGO WHEELER, Director of Planning and Development Department, to clarify the size of the sign allowed. MS. WHEELER explained that the sign allowed by Code at this site is for an eight foot free-standing sign, 50 square feet of sign area and there can be direct light or internal illumination.

COUNCILMAN BARLOW ~~voiced~~ ~~with~~ MS. WHEELER that the applicant is requesting 129 square feet of sign area and a sign 10.75 feet high with an electronic message board.

ASSISTANT CITY ATTORNEY BRYAN SCOTT remarked that the Councilman's concern is that the sign is inappropriate for this location because the sign is oversized and will impact the adjacent residential properties. Title 19.18.070 provides for the criteria by which a variance can be granted and the proposed sign does not meet the Code requirements.

ASSISTANT CITY ATTORNEY SCOTT clarified for DEACON FULMAR that Title 19.18.070 deals with all types of variances for all properties.

DEACON FULMAR agreed with COUNCILMAN BARLOW'S request to table the item so that the Councilman can work with him on a sign that meets requirements.

MAYOR PRO TEM P. G. ROSE declared the Public Hearing closed.

