



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29309 - APPLICANT: LEWIS C. WOLF - OWNER:
MARTIN W. GREENWALD

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-13802) shall be required, if approved.
2. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow exposed neon signage to be 23 feet from a residentially zoned property where 200 feet is the minimum distance separation required by the residential adjacency standards on 2.07 acres at 4880 North Rancho Drive. A recent Site Development Plan Review (SDR-13802) approved a 7,645 square-foot retail addition on the subject property. This addition is where the proposed exposed neon signage will be located. The neon signage has a total of five gold bands found throughout the north, west and south building elevations. A total of two bands are located on the columns on the façade of the building on the north, west and south elevations. The third band will be located at the building parapet and across the entire building and columns. The two remaining bands are located on the enhanced parapet above the main entrance found on the north, west and south elevations.

The applicants justification for this Variance is that it will architecturally enhance the design of the building. An existing single-family residence is located to the east of the subject property and would be negatively affected by this request. This proposal will place exposed neon signage on the north, south and west elevations, but will exclude the elevation directly adjacent to the single-family residence. This measure does not allow for adequate protection for the residence from exposure of the proposed neon signage. This Variance request is not appropriate for the surrounding area and is a self-imposed hardship; therefore staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/02/03	The City Council approved a General Plan Amendment (GPA-1363) from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural Density Residential) to GC (General Commercial), O (Office), PF (Public Facilities), ML (Medium-Low Density Residential) and DR (Desert Rural Density Residential) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to Moccasin Road. The Planning Commission and staff recommended approval of this request.
11/17/04	The City Council approved a Site Development Plan Review (SDR-5190) for a 7,660 square-foot commercial addition and Waivers of perimeter landscaping requirements. The Planning Commission and staff recommended approval of this request.
02/07/05	A code enforcement issued (#25767) for a variety of issues including piles of dirt, broken fencing, debris and the use of a dirt lot as a side entrance at the subject site. This case was resolved on 03/02/05.

September 25, 2008 - Planning Commission Meeting

08/16/06	The City Council approved a Site Development Plan Review (SDR-13802) for a 7,465 square-foot Retail building and a Waiver of perimeter landscaping requirements. The Planning Commission and staff recommended approval of this request.
10/03/07	The City Council approved a Review of Condition (ROC-23867) of Conditions numbers 17 and 19 of an approved Site Development Plan Review (SDR-13802); which required the applicant to construct all incomplete half street improvements adjacent to the site and to modify the driveway accessing Rancho Drive to current city standards to instead require a covenant running with the land agreement for the future construction of those improvements and to allow the existing driveway on Rancho Drive to remain. Staff recommended approval of this request.
Related Building Permits/Business Licenses	
03/13/02	A business license (#G03-02282) was issued for Major Auto Repair at 4820 North Rancho Drive, Suite A.
07/06/05	A business license (#V07-00038) was issued for Wholesale Video/Mail Order at 4820 North Rancho Drive, Suite B.
07/06/05	Business licenses (A32-00001, C08-01416 and V06-00009) were issued for a Book Store, Arcade Machines and Video Sales at 4820 North Rancho Drive, Suite D.
11/05/07	A building permit (#7003142) was issued for a Retail Shell Building at 4880 North Rancho Drive.
05/21/08	A business license (C07-91874) was submitted for Clothing/Gifts at 4880 North Rancho Drive.
07/02/08	A building permit (#08000264) was issued for 284 square feet of lettered wall signage as depicted on the south elevations.
Pre-Application Meeting	
07/28/08	A pre-application meeting was held to discuss the requirements of submitting a Variance request for exposed neon signage in close proximity to a parcel zoned for residential use.
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
08/19/08	A field check was conducted by staff and found the property is nearing completion of the 7,645 square-foot addition, along with the installation of approved signage. The landscaping is maintained and the parking lot has recently been re-stripped.

Details of Application Request	
Site Area	
Gross Acres	2.07

September 25, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Shop, Sexually Oriented Business	GC (General Commercial), GC (General Commercial)	C-2 (General Commercial), C-2 (General Commercial)
North	Billboard, With Illegal Storage/ Parking Facility	GC (General Commercial)	C-2 (General Commercial)
South	Gas Station with Convenience Store	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped Single-Family Residence	GC (General Commercial), GC (General Commercial)	C-2 (General Commercial), R-E (Residence Estates)
West	Hotel/Casino Parking Lot	SC (Service Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District - 175 Feet	X		Y*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject site is located in the North Las Vegas Airport Overlay District within the 175-foot height contour. The existing building is below this height limitation and satisfies the requirements of this overlay district.

** The Transportation Trails Element of the General Plan indicates a multi-use trail along the west property line of the subject site, directly adjacent to rancho drive. The construction of this trail was a condition of approval for a previously approved Site Development Plan Review (SDR-13802).

DEVELOPMENT STANDARDS

Pursuant to Title 19.14.070(B), the following Residential Protection Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Any sign located within 40 feet of property planned or zoned for residential use and is visible from such property.	Internally Illuminated or lighted with direct white light	Exposed Neon	N*

* A building permit (#08000264) was issued for approximately 284 square feet of wall signage as depicted on the south elevations. This signage has been approved with the exception of the exposed neon component. Approval of this Variance will allow the exposed neon component of the proposed signage.

ANALYSIS

This is a request for a Variance to allow exposed neon signage to be 23 feet from a residentially zoned property where 200 feet is the minimum distance separation required by the residential adjacency standards on 2.07 acres at 4880 North Rancho Drive. A recent Site Development Plan Review (SDR-13802) approved a 7,645 square-foot retail addition on the subject property. This addition is where the proposed exposed neon signage will be located. The neon signage has a total of five gold bands found throughout the north, west and south building elevations. A total of two bands are located on the columns on the façade of the building on the north, west and south elevations. The third band will be located at the building parapet and across the entire building and columns. The two remaining bands are located on the enhanced parapet above the main entrance found on the north, west and south elevations.

An existing single-family residence is located to the east of the subject property and would be negatively affected by this request. This proposal will place exposed neon signage on the north, south and west elevations, but will exclude the elevation directly adjacent to the single-family residence. This measure does not allow for adequate protection for the residence from the glow of the proposed neon signage.

The standards set forth in Title 19.14.070 would allow signage to be internally illuminated or lighted with direct white light, within 40 feet of a residential property. Without this Variance, the proposed exposed neon signage would require a 200-foot distance separation from residential properties. This Variance request is not appropriate for the surrounding area and is a self-imposed hardship; therefore staff recommends denial of this request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070L 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.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship with the applicants proposal to use exposed neon signage where Residential Adjacency Standards prohibit such lighting standards. Alternatively, signage designed with internally illuminated or lighted with direct white light 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 8

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 269

APPROVALS 0

PROTESTS 7