



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-28568 - APPLICANT/OWNER: W.W. GRAINGER, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas. This condition is only applicable to new construction.

Public Works

2. The freestanding sign shall not be located within the public right-ofway or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.
3. The freestanding sign shall be placed outside of the additional 10-foot half-street roadway width identified in the City of Las Vegas Master Plan of Streets and Highways for Western Avenue, unless it is demonstrated to the satisfaction of the City Engineer that such relocation adversely impacts this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow an 80-foot high freestanding sign where Title 19.14.060 requires 40 feet as the maximum height allowed on 1.73 acres at 2401 Western Avenue. The applicant is proposing a sign that is not consistent with Title 19.14.060 requirements, which is a self-imposed hardship; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 05/07/06 | The City Council approved a General Plan Amendment (GPA-9219) to Amend the City of Las Vegas Downtown Redevelopment Plan map by designating future land use designations as Commercial, Mixed Use, Industrial or Public Facility for areas within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request on 04/13/06. |
| 08/14/08 | The Planning Commission voted 4-0 to recommend APPROVAL (PC Agenda Item #39/bts). |
| <i>Related Building Permits/Business Licenses</i> | |
| 01/01/51 | A Business License (#B10-00316) was issued for building supplies and hardware at 2401 Western Avenue. |
| 07/05/91 | A Business License (#E03-00056) was issued for express and delivery services at 2401 Western Avenue. |
| 09/13/99 | A Sign Permit (L-3870-99) was issued for the existing sign at 2401 Western Avenue. The permit was never finalized and expired on 05/20/00. |
| 07/09/08 | A Building Permit (#118526) was submitted for a tenant improvement at 2401 Western Avenue. The permit has not been approved to date. |
| <i>Pre-Application Meeting</i> | |
| 05/14/08 | The elements of a pre-application meeting were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting was not required, nor was one held. | |
| <i>Field Check</i> | |
| 07/10/08 | A field check indicated the existing freestanding sign. The existing sign is in good condition. |
| <i>Details of Application Request</i> | |
| <i>Site Area</i> | |
| Gross Acres | 1.73 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|--------------------------|------------------|-----------------|
| Subject Property | Office and Manufacturing | I (Industrial) | M (Industrial) |
| North | Office | I (Industrial) | M (Industrial) |
| South | Office and Storage | I (Industrial) | M (Industrial) |
| East | Retail and Warehouses | I (Industrial) | M (Industrial) |
| West | Retail and Offices | I (Industrial) | M (Industrial) |

| <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 | X | | Y* |
| Live/Work Overlay District | X | | Y** |
| Trails | | X | n/a |
| Rural Preservation Overlay District | | X | n/a |
| Development Impact Notification Assessment | | X | n/a |
| Project of Regional Significance | | X | n/a |

Redevelopment Area The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

***Airport Overlay** - The freestanding sign is proposed at a height of 80-feet; this height is under the 175 feet height limitation within the A-O Airport Overlay District.

****Live/Work Overly District** - This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.130.

DEVELOPMENT STANDARDS

| Freestanding Signs: [Pursuant to Title 19.14.060 requirements] | | |
|---|---|---|
| Standards | Allowed | Provided |
| Maximum Number | 1 / 200 lineal feet of Street frontage 1 total | 1 / 248 lineal feet of Street frontage 1 total |
| Maximum Area | 2 square feet for each lineal foot of street frontage (248 SF) / 496 SF | 399 SF |

| | | |
|-----------------|----------|----------|
| Maximum Height | 40 Feet | 80 Feet* |
| Minimum Setback | 5 Feet | 5 feet |
| Illumination | Internal | Internal |

* The proposed freestanding sign does not meet Title 19.14.060 height requirements.

ANALYSIS

The applicant is proposing to replace the existing freestanding sign with an 80-foot freestanding sign. The applicant contends that the 80-foot sign will allow better visibility for its customers, from adjacent rights-of-way. The current sign was permitted on 09/13/99, but was never finalized by the Department of Building and Safety. The permit expired on 05/20/00. The proposed sign is 40 feet higher than what Title 19.14.060 allows. There are no physical obstructions, which affect views of the existing or proposed signage. The applicant has created a self-imposed hardship; therefore, staff is recommending 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 by proposing a sign that is 40 feet higher than what Title 19.14.060 allows. Alternative design of the proposed sign 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 14

ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 75 by City Clerk

APPROVALS 0

PROTESTS 2