



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - VAR-30271 - APPLICANT: TOWER REALTY**  
**AND DEVELOPMENT, LLC - OWNER: REGAL PLAZA, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**     **DENIAL.** If Approved, 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow for a 10-foot tall 435 square-foot roof sign where 8 feet in height and 150 square feet in area is the maximum allowed in a C-1 (Limited Commercial) zone at 5831 West Craig Road within the Regal Plaza. This represents a 25 percent and a 190 percent deviation from development standards, respectively.

As no unique or extraordinary circumstances have been presented in that the applicant has created a self-imposed hardship by proposing a roof sign that exceeds the allowable height and area, therefore staff is recommending denial of this application.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
03/07/90	The City Council approved a request for a Reclassification (Z-0140-89) of property located on the southeast corner of Jones Boulevard and Craig Road from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed shopping center with bank. The Planning Commission recommended approval.
03/20/91	The City Council approved a request for an Extension of Time (Z-0140-89) for an approved commercial center on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
04/01/92	The City Council approved a request for an Extension of Time [Z-0140-89(3)] for an approved commercial center on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
04/07/93	The City Council approved a request for an Extension of Time [Z-0140-89(4)] for an approved commercial center on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
11/17/93	The City Council approved a request for a Review of Condition (Z-0140-89) to delete three conditions (original conditions numbers 1, 2, and 15) which prohibit any use other than a bank on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
03/16/94	The City Council approved a request for a Special Use Permit (U-0009-94) to allow the sale of beer and wine, and to allow the sale of gasoline within a proposed convenience store on the southeast corner of Jones Boulevard and Craig Road. The Board of Zoning Adjustment recommended approval.

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05/04/94	The City Council approved a request for a Reinstatement of an Extension of Time [Z-0140-89(6)] for an approved commercial center on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
08/02/95	The City Council approved a request for a Reinstatement of an Extension of Time [Z-0140-89(7)] for an approved commercial center on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
08/21/96	The City Council approved a request for an Extension of Time [Z-0140-89(8)] for an approved commercial center located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
09/08/97	The City Council approved a request for an Extension of Time [Z-0140-89(9)] for an approved 75,000 square-foot commercial center on property located on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
10/12/98	The City Council approved a request for a Site Development Plan Review [Z-0140-89(10)] for a proposed 79,578 square-foot shopping center on property located south of Craig Road and east of Jones Boulevard. The Planning Commission recommended approval.
12/03/98	The Planning Commission approved (final action) a request for a Tentative Map (TM-0061-98) on property located approximately 200 feet east of Jones Boulevard, and south of Craig Road.
04/22/99	The Planning Commission approved (final action) a request for a Final Map (FM-0024-99) for a one-lot commercial subdivision on property located approximately 200 feet east of Jones Boulevard, and south of Craig Road.
11/17/99	The City Council approved a request for a Special Use Permit (U-0102-99) for the sale of packaged liquor in conjunction with a proposed grocery store on the southeast corner of Jones Boulevard and Craig Road. The Planning Commission recommended approval.
07/19/00	The City Council approved a request for a Special Use Permit (U-0070-00) for secondhand sales (childrens furniture and clothing) at 5845 West Craig Road. The Planning Commission recommended approval.
10/20/04	The City Council approved a request for a Special Use Permit (SUP-4953) for a tavern and a Waiver from the 1,500-foot distance separation requirement from an existing tavern adjacent to the southeast corner of Craig Road and Jones Boulevard. The Planning Commission recommended approval.
01/19/05	Code Enforcement (Case #25257) processed a complaint for a violation of the Tentative Map (TM-0061-98) and a violation of the Final Map (FM-0024-99). The case was resolved on 03/14/05.
11/06/08	The Planning Commission voted to hold this item in abeyance to the November 20, 2008 Planning Commission meeting.

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<i>Related Building Permits/Business Licenses</i>	
08/12/99	A building permit (#99016157) was issued for on-site improvements at 5831 West Craig Road. The permit expired on 02/09/01.
08/12/99	A building permit (#99016158) was issued for a retail shell building certificate of completion at 5831 West Craig Road. The permit was finalized on 09/14/00.
02/16/00	A building permit (#00002715) was issued for a 1,250-foot by eight-foot wall at 5831 West Craig Road. The permit expired on 02/09/01.
04/26/00	A building permit (#00007852) was issued for a tenant improvement build-out at 5831 West Craig Road. The permit expired on 07/28/01.
05/05/00	A building permit (#00008579) was issued for a 62 square-foot sign (tag #4511) at 5855 West Craig Road, Suite #105. The permit was finalized on 07/31/00.
08/17/00	A building permit (00015416) was issued for a sign (tag #004712) at 5831 West Craig Road. The permit was finalized on 09/28/00.
09/29/00	A building permit (#00018274) was issued for a sign (tag #004820) at 5855 West Craig Road, Suite #108 & #109. The permit was finalized on 11/22/00.
02/23/01	A building permit (#01002946) was issued for a parking lot light pole at 5831 West Craig Road. The permit was finalized on 03/14/01.
04/12/01	A building permit (#01006353) was issued for a single-faced wall sign with channel letters (tag #005172) at 5803 West Craig Road, Suite #104. The permit expired on 10/13/01.
10/23/01	A building permit (#01018742) was issued for a wall sign (tag #005586) at 5803 West Craig Road, Suite #106. The permit was finalized on 12/19/01.
01/16/02	A building permit (#02000764) was issued for a wall sign (tag #005770) at 5803 West Craig Road. The permit expired on 07/20/02.
09/16/04	A building permit (#04019883) was issued for a sign (tag #07837) at 5855 West Craig Road, Suite #104. The permit expired on 03/19/05.
01/14/05	A building permit (#05000207) was issued for a sign (tag #08066) at 5855 West Craig Road, Suite #102. The permit was finalized on 07/22/05.
04/11/05	A building permit (#05002154) was issued for a sign (tag #08219) at 5803 West Craig Road, Suite #108. The permit was finalized on 07/22/05.
06/15/05	A building permit (#05004084) was issued for a sign (tag #08365) at 5855 West Craig Road, Suite #103. The permit expired on 12/17/05.
10/05/05	A building permit (#05007073) was issued for a sign (tag #08598) at 5855 West Craig Road. The permit expired on 04/08/06.
03/31/06	A building permit (#06002428) was issued for a sign (tag #08929) at 5855 West Craig Road, Suite #102. The permit expired on 09/30/06.
03/31/06	A building permit (#06002429) was issued for a sign (tag #08930) at 5855 West Craig Road, Suite #101. The permit expired on 09/30/06.
08/07/06	A building permit (#06005155) was issued for a sign (tag #09193) at 5803 West Craig Road, Suite #102. The permit expired on 02/03/07.

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08/22/06	A building permit (#06005446) was issued for a sign (tag #09224) at 5803 West Craig Road, Suite #104. The permit expired on 08/18/07.
08/27/07	A business license (#B10-02437) was issued for building supplies / hardware at 5831 West Craig Road, Suite #100-A.
11/07/07	A building permit (#07003167) was issued for a 63 square-foot sign (tag #10159) at 5831 West Craig Road, Suite #101. The permit expired on 08/30/08.
08/04/08	A business license (#A39-00467) was issued for auto part sales at 5831 West Craig Road, Suite #102.
<b>Pre-Application Meeting</b>	
09/04/08	A pre-application meeting was held where the submittal requirements for a Variance were discussed.
<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	
<b>Field Check</b>	
09/30/08	A routine field check was performed by staff where non-permitted temporary signs were noted on the subject suite, graffiti was observed on the far east perimeter wall of the property, and several trees from parking lot islands were missing from the front and rear parking lots of the building.
<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	5.72

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residential	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 Units per Acre)
East	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Vacant land	SC (Service Commercial)	R-E (Residence Estates)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District 140 Feet	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**A-O Airport Overlay District 140 Feet**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 140-foot contour limitations and does not violate the height limitations. The proposed Variance would raise the building height by 6.67 feet for a total building height of 36.5 feet. The existing building and proposed roof sign are in compliance with the Airport Overlay District.

**DEVELOPMENT STANDARDS**

*Per Title 19.14.060.F.10*

<b>Roof Sign:</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 per Building Elevation	1 per Building Elevation 1 Total
Maximum Area	20% of the building elevation to which the sign is most nearly parallel to, up to a maximum of 150 square feet. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed 20% of the building elevation to which they are attached.	15% Building Face: 2,847 SF. Sign Face 435 SF.*
Maximum Height	Shall not extend more than 8 feet above the top of wall, marquee or parapet to which it is attached. The total height of the building, including the sign, shall not exceed permitted height of the building in the zoning district in which it is located.	10 feet above parapet.*
Maximum Projection	Shall not project horizontally more than 4 feet from the roof to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection.	6 inches.
Illumination	Internal/External	Internal

NE

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\*The applicant is requesting a Variance to allow for a roof sign to extend 10 feet above the parapet where 8 feet is the maximum height allowed and to allow for the roof sign to be 435 square feet in size where 150 square feet is the maximum allowed. This represents a 25 percent and a 190 percent deviation from the development standards respectively.

## **ANALYSIS**

As defined by Title 19.20, a roof sign is any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof or parapet of the building.

The applicant is proposing a roof sign to be constructed at 5831 West Craig Road, in the southeast corner of the Regal Plaza. The roof sign would extend 10 feet above the parapet and be 435 square feet in area. The sign would be constructed of CMU block with a Burnt Copper finish to match the existing building. The signs commercial message would consist of 3.83-foot tall internally illuminated lettering, approximately 39.33 feet in length, utilizing approximately 86% of the 46 lineal feet available for the commercial message.

Title 19.14.060.F.10 allows for a roof sign to be no more than eight feet in height with a maximum sign face area of 150 square feet. The applicant has proposed a roof sign that exceeds these limitations by two feet in height and by 285 square feet in sign area. This represents a 25 percent and a 190 percent deviation from the standard respectively.

Due to the massive size of the proposed roof sign, staff can not support this application and is recommending denial of this Variance request. This is a self imposed hardship that could be easily rectified by proposing a roof sign that meets Title 19.14 standards.

## **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

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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 roof sign that exceeds the height and size limitations set forth by Title 19.14. Alternative sign design 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**            0

**ASSEMBLY DISTRICT**            1

**SENATE DISTRICT**            4

**NOTICES MAILED**            150

**APPROVALS**            1

**PROTESTS**            9