

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-30690 - APPLICANT/OWNER: ROOHANI FAMILY TRUST**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-2766) shall be required, if approved.
2. 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.
3. Any landscape removed or displaced by the proposed freestanding sign shall be replaced and permanently maintained in a satisfactory condition by the property owner.

**Public Works**

4. The proposed signs shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The sign bases shall not be located within existing or proposed public sewer or drainage easements.

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

**PROJECT DESCRIPTION**

This is a request for a Variance to allow for a proposed 40-foot Freestanding Sign to have a two-foot setback where five feet is the minimum required on 0.92 acres at 625 North Lamb Boulevard. The proposed sign is located within the northern landscape buffer of an existing retail development which was constructed in 2006. The applicant states that locating the proposed sign within the northern landscape buffer is the only logical location for the sign, as the smaller sign located more centrally would be obscured by existing trees and shrubs. Several utility boxes and underground access vaults are located at the northeast corner of the site, leaving the applicant the remaining option of placing the proposed sign within the approved six-foot landscape buffer adjacent to the parking lot. Placing the proposed sign with a 30-inch by 30-inch wide base five feet from the property line would subject the proposed sign to damage from the parking area, as well as create additional placement issues. As the proposed sign sits within an approved six-foot landscape buffer and will comply with the Residential Protection Standards of Title 19.14.070, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/28/98	The City Council approved a Rezoning (Z-0138-97) from R-E (Residence Estates) to C1 (Limited Commercial) for a proposed 14,485 square-foot retail development and a 1,200 square-foot Mini Lube and Car Wash Facility which included this site. The Planning Commission and staff recommended approval of this request.
06/08/98	The City Council approved a Special Use Permit (U-0033-98) for a mini-lube and Car Wash on the property to the southwest of this site, which was part of the Rezoning (Z-0138-97) application. The Planning Commission and staff recommended approval of this request.
10/01/03	The City Council approved a Site Development Plan Review (SDR-2766) for a 10,500 square-foot retail building and for a reduction in perimeter and parking lot landscaping. The Planning Commission and staff recommended approval of this request.
05/21/08	The City Council approved a Variance (VAR-27096) to allow 60 parking spaces where 69 are required for a proposed Beauty Salon within an existing retail center at 625 North Lamb Boulevard. The Planning Commission recommended approval, whereas staff recommended denial of this request.

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11/05/08	The City Council Approved a Special Use Permit (SUP-29655) for a proposed Financial Institution, Specified with Waivers to allow a 100-foot distance separation from a residential parcel where 200 feet is required and to allow a 765-foot distance separation from another Financial Institution, Specified, use where 1,000 feet is required at 625 North Lamb Boulevard, Suite #110. The Planning Commission recommended approval of this request, whereas staff recommended denial.
<b>Related Building Permits/Business Licenses</b>	
11/07/05	A building permit (#05007761) was issued for a shell building at 625 North Lamb Boulevard. This building permit received its final approval on 01/11/08.
10/17/07	A building permit (#07002920) was issued for a Monument Sign at 625 North Lamb Boulevard. This sign is not currently present at the subject site.
09/17/07	A building permit (#94925) was issued for a tenant improvement for a 5,000 square-foot salon at 625 North lamb Boulevard Suite #130. The permit received final approved on 06/02/08.
06/05/08	Business licenses (B05-03099, B08-01280) were issued for a Cosmetological Establishment and Beauty/Cosmetic sales at 625 North Lamb, Suite #130.
10/09/08	A building permit (#124940) was issued for a tenant improvement for a tax service office at 625 North Lamb Boulevard Suite #140.
<b>Pre-Application Meeting</b>	
09/24/08	A pre-application meeting was held with the applicant to discuss the requirements for submitting a Variance to allow a 40-foot freestanding sign.
<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
10/14/08	A field check was performed by staff at the subject property. The proposed sign will be situated in an existing, approved 6.5-foot landscape buffer near an existing underground utility vault and existing Las Vegas Valley Water District utility boxes. Staff noted that of the 11, 5-gallon shrubs shown on the approved landscape plan at the northeast corner of the site, only three shrubs exist currently. Additionally, the utility box located in the area has not been screened per Title 19.12 and Condition #13 of Site Development Plan Review (SDR-2766).

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.92

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant Land	SC (Service Commercial)	R-E (Residential Estates)
South	Convenience Store, Gas Station and Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant, Retail and Single-Family Residential	SC (Service Commercial) and MLA (Medium Low Density Residential)	C-1 (Limited Commercial) and RPD9 (Residential Planned Development 9 Units per Acre)
West	Union Training Facility	SC (Service Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
<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

**DEVELOPMENT STANDARDS**

<b>Freestanding Signs:</b> [type in sign reference]		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 / 200 Lineal Feet of Street Frontage 1 total	1 / 200 Lineal Feet of Street Frontage 1 total
Maximum Area	286 SF	216 SF
Maximum Height	40 Feet	40 Feet
Minimum Setback	5 Feet	2 Feet*
Illumination	Internal or Direct White Light	Internal

\* The applicant has requested this Variance to allow a two-foot setback where five feet is the minimum required.

**November 20, 2008 - Planning Commission Meeting****ANALYSIS**

The applicant is requesting a Variance to allow for a proposed 40-foot high, 216 square-foot freestanding sign to have a two-foot setback where five feet is the minimum required at 625 North Lamb Boulevard. The proposed sign will be for an existing retail development which has limited visibility. There is an existing 21-foot wide landscape buffer at the front of the building, which the applicant states will offer limited visibility as the landscape buffer contains existing trees and shrubs which would grow to block any signage placed within it. Additionally, at the northeast corner of the site is another 21-foot wide landscape buffer area; however it contains several existing utility boxes and underground vaults leaving little to no room to locate a sign within this area. The applicant states that the only logical area to place the sign is within the approved six-foot landscape buffer along the northern perimeter of the site, where it can be placed between trees and obtain maximum visibility.

The requirements for a freestanding sign within a C-1 (Limited Commercial) zone limit the height to 40 feet, require a five-foot setback, limit the area to two square feet of sign area for each lineal foot of street frontage, and require the base to be at least three feet or 20 percent of the width of the sign, whichever is smaller. Additionally, the Residential Protection Standards listed in Title 19.14.070 limit the height to one-third the distance of the nearest edge of the sign to the nearest point on any property planned or zoned for residential use, with a minimum setback from any property planned or zoned for residential use. Illumination for a sign located within 200 feet of property planned or zoned for residential use is limited to internal or direct, white light.

The undeveloped parcel to the north of the subject property carries a zoning designation of R-E (Residence Estates) with a General Plan Land Use designation of SC (Service Commercial). The adjacent property is not currently used for residential purposes, nor is the planned land use intended for residential purposes. Staff finds that as the planned use for this property is SC (Service Commercial), the Residential Protection Standards listed in Title 19.14.070 do not apply to this parcel.

The subject sign is sited 132 feet from existing single-family homes to the east across Lamb Boulevard, which for a 40-foot sign requires a minimum 120-foot setback. The applicant meets the setback requirements, has provided internal illumination meeting the lighting requirements, a 30-inch wide base meeting the base width requirements, and provided 216 square feet of sign display area where 286 square feet is permitted. The proposed sign with a 30-inch by 30-inch cannot physically meet a five-foot setback within an approved six-foot landscape buffer, and locating the sign elsewhere on the existing property will lead to conflicts either with existing required landscape or existing utility equipment. The applicant has successfully demonstrated that the existing site presents unique hardships and physical difficulty with meeting the requirements of Title 19. Staff understands the need to create visibility for tenants located within this existing retail development; therefore, approval of this request is recommended.

**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.

The applicant has successfully presented evidence of a unique or extraordinary circumstance in that this site cannot physically accommodate a freestanding sign which meets all the requirements of Title 19.14 without the need for a Variance. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 28

**SENATE DISTRICT** 10

**NOTICES MAILED** 286

**APPROVALS** 1

**PROTESTS** 1