City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-31854 - APPLICANT: SIEGEL COMPANIES, INC. - OWNER: SAHARA SUITES, LLC

** 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.

2. Any non-permitted signage not part of this Variance application shall be removed within ten (10) days of approval of this application.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

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

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow a proposed 60-foot tall freestanding sign where 12 feet is the maximum height allowed; a Variance to allow for the proposed 60-foot tall freestanding sign to have 537 square feet of sign face area where 48 square feet is the maximum allowed; a Variance to allow the proposed 60-foot tall freestanding sign to be set back zero feet where five feet is required; a Variance to allow the proposed 60-foot tall freestanding sign to have an electronic message board, bare bulbs, and exposed neon approximately 145 feet from a residentially zoned property where Residential Protection Standards require 200 feet; a Variance to allow four existing five-foot tall freestanding signs and one proposed 60-foot tall freestanding sign where one freestanding sign per street frontage is the maximum allowed; a Variance to allow a distance separation of less than the minimum required 100 feet between freestanding sign to freestanding sign; and a Variance to allow a one-foot setback for the four existing five-foot tall freestanding signs where five feet is the minimum required on 1.29 acres at 2500 Teddy Drive and 2713 West Sahara Avenue. The Variances requested represent a 27 to a 1,019 percent deviation from the Title 19 standard.

This is a self imposed hardship that could be easily rectified by proposing signage for the site that meets Title 19.14 standards. Due to the intensity and excessive number (seven in total) of Variances requested with this application, staff cannot support this request and is recommending denial of all Variances requested.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/06/05	Code Enforcement processed a complaint (#24947) for a leak in the apartment causing the floors, walls, and ceiling to be wet. Tenant suspects mold to be present at 2500 Teddy Drive. The case was resolved on 01/10/05.
06/08/06	Code Enforcement processed a complaint (#43089) about flooding in an apartment upstairs causing an odor. This is affecting a senior, a child, and a handicap person at 2500 Teddy Drive.
07/11/06	Code Enforcement processed a complaint (#44360) for bedroom carpet being wet and smelly from sewage leaking from upstairs apartment. Management is aware and is not helping at 2500 Teddy Drive. The case was resolved on 08/09/06.
08/02/06	Code Enforcement processed a complaint (#45089) for dumpsters belonging to the apartment complex being positioned up against a block wall right next to the adjacent single-family homes. Vagrants are sifting through the dumpsters leaving trash and debris everywhere. There is no enclosure for the dumpster and they may need additional dumpsters at 2500 Teddy Drive. The case was resolved on 08/22/06.

08/22/06	Code Enforcement processed a complaint for the water to the entire building being shut-off at 2500 Teddy Drive. The case was resolved on 08/22/06.
08/31/06	Code Enforcement processed a complaint (#45922) for the apartment dumpsters not being in an enclosure and being pushed against the wall causing the adjacent residents within the single-family homes to not be able to go into their backyards because of the smell at 2500 Teddy Drive. The case was resolved on 11/07/06.
09/06/06	Code Enforcement processed a complaint (#46034) for the apartment complex dumpsters being pushed against the wall adjacent to single-family homes causing the residents to stay in their homes and out of their backyards because of the smell. Vagrants are also sifting through the dumpsters. The complex also killed the oleander trees and grass at 2500 Teddy Drive. The case was resolved on 09/20/06.
05/10/07	Code Enforcement processed a complaint (#53173) for trash and debris along the destroyed fence at 2500 Teddy Drive. The case was resolved on 05/25/07.
12/18/08	The Planning Commission approved a request by the applicant to have Variance (VAR-31854) to be held in abeyance until the January 22, 2009 Planning Commission meeting.
Related Building Permits/Business Licenses	
1962	Building constructed.
07/10/06	Business Licensing received a complaint of an un-licensed childcare (#U66-96722) at 2713 West Sahara Avenue, Apartment #15. An investigation was performed on 07/07/06 and the complaint was substantiated. During a follow-up investigation on 09/01/06, the complaint subject was observed watching two children and was given a verbal cease and desists. The case was closed on 09/01/06.
01/10/07	A business license (#A07-00584) was re-issued for apartment rentals after a change of ownership at 2500 Teddy Drive.
01/07/08	A building permit (#105220) was issued to repair vehicle damage at 2500 Teddy Drive. The permit is still open.
Pre-Application Meeting	
09/22/08	A pre-application meeting was held where the submittal requirements for a sign Variance were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
09/18/08	A routine field check was conducted, and staff observed the four five-foot non-permitted freestanding signs that are part of this Variance application. Staff also observed two additional non-permitted signs that are not part of this Variance application: a seven to eight-foot tall freestanding sign along Teddy Drive, and a sandwich board type sign positioned on the median that separates Sahara Avenue and the frontage road. The apartment complex appeared to have been recently painted and artificial grass had been installed along Teddy Drive.
01/02/09	A follow-up field check performed by staff revealed no changes from the prior field check performed on 09/18/08.

Details of Application Request	
Site Area	
Net Acres	1.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	SC (Service Commercial) & H (High Density Residential)	R-4 (High Density Residential)
North	Bank	SC (Service Commercial)	C-1 (Limited Commercial)
South	Apartments	H (High Density Residential)	R-4 (High Density Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District 175 Feet	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

A-O Airport Overlay District 175 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 175-foot contour limitations and does not violate the height limitations set forth by the Airport Overlay District as the proposed signage does not exceed the height limitation of 175 feet.

DEVELOPMENT STANDARDS

Freestanding Signs: [Proposed 60-Foot Freestanding Sign]		
Standards	**Allowed**	**Provided**
Maximum Number	1 per Street Frontage	5 total*
Maximum Area	48 SF	537 SF**
Maximum Height	12 Feet	60 Feet***
Minimum Setback	5 Feet	Zero Feet****
Illumination	Internal and external illumination. In addition, signs over 200 feet from any existing residential property or from property which is designated in the General Plan for future residential development may be animated or contain an electronic message unit.	Proposed 60-foot tall freestanding sign with internal illumination, an electronic message unit, bare bulbs, and exposed neon approximately 145 feet from residentially zoned property.*****

* The applicant is requesting a Variance to allow one proposed 60-foot tall freestanding sign and four existing five-foot tall freestanding signs for a total of five freestanding signs.

**The applicant is requesting a Variance to allow a proposed 60-foot tall freestanding sign with a face area of 537 square feet where 48 square feet is the maximum area allowed.

***The applicant is requesting a Variance to allow a proposed 60-foot tall freestanding sign where 12 feet is the maximum height allowed.

****The applicant is requesting a Variance to allow a zero-foot setback for the proposed 60-foot tall freestanding sign where five feet is required.

January 22, 2009 - Planning Commission Meeting

*****The applicant is requesting a Variance to allow an electronic message board, bare bulbs, and exposed neon on the proposed 60-foot tall freestanding sign approximately 145 feet from a residentially zoned property where Residential Protection Standards require 200 feet.

Freestanding Signs: [Four, Existing Five Freestanding Signs]		
Standards	**Allowed**	**Provided**
Maximum Number	1 per Street Frontage	5 total*
Maximum Area	48 SF	5.34 SF
Maximum Height	12 Feet	5 Feet
Minimum Setback	5 Feet	1-Foot**
Illumination	Internal and External Illumination.	No Illumination

* The applicant is requesting a Variance to allow for one proposed 60-foot tall freestanding sign and four existing five-foot tall freestanding signs for a total of five freestanding signs.

**The applicant is requesting a Variance to allow a one-foot setback where five feet is the minimum setback required for the four existing five-foot tall freestanding signs.

Variances		
Request	**Requirement**	**Staff Recommendation**
One Proposed 60-Foot Tall Freestanding Sign	12-Foot Freestanding Sign	Denial
60-Foot Tall Freestanding Sign with 537 SF Sign Face	48 SF	Denial
Zero-Foot Setback for Proposed 60-Foot Tall Freestanding Sign	5 Feet	Denial
Five Freestanding Signs	One Freestanding Sign	Denial
One-Foot Setback for Four Existing Five-Foot Tall Freestanding Signs	5 Feet	Denial
Less Than 100-Foot Distance Separation between Freestanding Signs	100 Feet	Denial
Approximately 145-Foot Residential Protection for Electronic Message Board, bare bulbs, and Exposed Neon	200-Foot Residential Protection Standard for Electronic Message Board, Bare Bulbs, and Exposed Neon	Denial

ANALYSIS

●Proposed 60-Foot Freestanding Sign

The applicant has requested a Variance to allow for a 60-foot tall freestanding sign to be constructed at the northeast corner of the site adjacent to Teddy Drive where 12 feet in height is the maximum allowed. An additional Variance has been requested to allow for this sign to have a sign face of 537 square feet where 48 square feet is the maximum allowed. The proposed sign would have an aluminum base and pole covered with simulated stucco. The proposed elevation shows the base of the sign being painted a dark brown and the pole of the sign being painted a light tan. The sign face itself would be an aluminum faced cabinet with a map satin finish colored reflex blue with animated vertical lines of blue neon to be on a 3 point flashing chaser. The sign will also have steadily burning White, Yellow Gold II and Horizon Blue Neon trim around the sign and incorporated throughout the face of the sign with the lettering. The word Sahara would be lit with incandescent bare bulbs. Approximately 21 feet from the base of the sign, below the sign face, would be a four-foot tall aluminum faced animated LED display (reader board). The proposed height of the sign represents a 400 percent deviation and the proposed sign face represents a 1,019 percent deviation from code standard.

In addition, the applicant has requested a Variance from the Residential Protection Standards. Directly south of the subject site are apartments located within an R-4 (High density Residential) zoning district and single-family residences located within an R-1 (Single Family Residential) zoning district. Title 19.14 states that, If the sign is located more than 40 feet from the property planned or zoned for residential use but within 200 feet of such property and the sign is or will be visible from such property, it may be interior-lit or lighted with direct white light, but it shall not contain bare bulbs, exposed neon tube, animation or a electronic message unit. The proposed 60-foot freestanding sign contains all of the above mentioned; bare bulbs, exposed neon tube, animation, and an electronic message board. The installation of a freestanding sign containing these elements is in violation of the Title 19.14 Residential Protection Standards, as well as creates a visual intrusion into the adjacent neighbors that are approximately 145 feet away from this proposed sign.

●Four (4) Existing Five-Foot Freestanding Signs

The applicant has requested a Variance to allow four existing five-foot tall freestanding signs and one 60-foot tall freestanding sign where one per street frontage is allowed. An additional Variance is being requested to allow for the four existing five-foot tall signs to be setback one-foot where five feet is required. The applicant has also requested a Variance for those signs to be located with less than the required minimum distance separation of 100 feet in between each freestanding sign.

The proposed site has street frontage on both Sahara Avenue and Teddy Drive. This application addresses the existing and proposed signs along Teddy Drive. The applicant has proposed one 60-foot tall freestanding sign to be located at the northeast corner of the property adjacent to Teddy Drive. Approximately 25 feet south of that sign is an existing five-foot tall freestanding sign, with three additional five-foot tall freestanding signs positioned further south at 25 feet, 17 feet, and 25 feet respectively. Teddy Drive would have a total of five signs located within approximately 175 feet of street frontage. The percent of deviation for the distance separation of said signs is noted in the chart below.

The four five-foot tall freestanding signs exist today on the subject site. These existing five -foot tall freestanding signs are a double faced non-illuminated post mounted sign that carry a commercial message (i.e. company name and logo). These signs were posted without permits and are located along Teddy Drive. There is also a non-permitted freestanding A-frame or sandwich board type sign located on the median that separates Sahara Avenue and the Frontage Road, and a seven to eight-foot tall freestanding sign located along Teddy Drive. Both of these signs are not part of this Variance application, and a condition has been added for their removal upon approval of this application.

Variances			
	Allowed	**Provided**	**% of Deviation**
60-Foot Freestanding Sign	In an R-4 (Apartment) zone, a maximum height of 12 feet, and a maximum area of 48 square feet.	A 60-foot tall Freestanding Sign with a sign area of 537 square feet.	400% for the sign height; 1,019% for the sign area.
Number of Freestanding Signs Allowed	One (1) per street frontage.	Five (5) Freestanding Signs	400%
Distance Separation	Minimum separation of 100 feet measured along the street frontage.	From North to South: 25, 17, 25, and 25 Feet.	75%, 83%, 75%, and 75% respectively.
60-Foot Freestanding Sign Setback	5 Feet	Zero Feet	100%
Four (4) 5-Foot Freestanding Signs Setback	5 Feet	One-Foot	80%
Residential Protection Standards	200 Feet	Approximately 145 Feet	27%

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 signage that exceeds the allowable height, sign area, number of freestanding signs, minimum setback requirements, sign separation requirements, and Residential Protection Standards allowed by Title 19. An alternative number of signs, sign placement and 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 15

ASSEMBLY DISTRICT 10

SENATE DISTRICT 3

NOTICES MAILED 141

APPROVALS 1

PROTESTS 9