

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-34816 - 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 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.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

Note: This request was originally noticed as Variance (VAR-31854), but due to material changes in the request, it was re-noticed for the 07/09/09 Planning Commission meeting as Variance (VAR-34816).

There are a total of five existing non-permitted signs on the subject site. The applicant is requesting a Variance to allow five existing freestanding signs to have a one-foot setback where five feet is the minimum required; to allow five freestanding signs where one is the maximum allowed; and to allow a distance separation of 17 to 25 feet where 100 feet from freestanding to freestanding sign is required on 1.29 acres at 2500 Teddy Drive and 2713 West Sahara Avenue. The applicant has presented no evidence of a unique or extraordinary circumstances and the request is deemed to be a self imposed hardship that could be rectified by proposing signage for the site that meets Title 19.14 standards. Due to the intensity and excessive number of signs requested with this application, staff cannot support this request and is recommending denial of the requested Variance.

Issues

- The subject Variance was originally heard as Variance (VAR-31854). The applicant has since removed an illuminated 60-foot freestanding sign, but has failed to remove the other five existing non-illuminated and non-permitted freestanding signs. The applicant has created a self-imposed hardship by proposing signage that exceeds the total allowable number, setback and sign separation requirements allowed by Title 19.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/03/06	A deed was recorded for a change of ownership was recorded at 2500 Teddy Drive and 2713 West Sahara Avenue.
06/08/06	A Code Enforcement citation (#43089) was issued at 2500 Teddy Drive for flooding in an apartment upstairs causing an odor. This is affecting a senior, a child, and a handicap person at 2500 Teddy Drive. Code Enforcement closed the case on 06/12/06.
07/11/06	A Code Enforcement citation (#44360) was issued at 2500 Teddy Drive for bedroom carpet being wet from sewage leaking from upstairs apartment. Code Enforcement closed the case on 08/09/06.

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08/02/06	A Code Enforcement citation (#45089) was issued at 2500 Teddy Drive 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. Code Enforcement closed the case 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) held in abeyance until the January 22, 2009 Planning Commission meeting.
01/22/09	The Planning Commission approved a request by the applicant to have Variance (VAR-31854) held in abeyance until the February 26, 2009 Planning Commission meeting.
02/26/09	The Planning Commission approved a request by the applicant to have Variance (VAR-31854) tabled until a future Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
1962	The County Assessors office indicates a construction date of 1962.
07/10/06	Business Licensing received a complaint of an unlicensed 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 desist. 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 building permit was completed on 02/23/09.

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<i>Pre-Application Meeting</i>	
09/22/08	A pre-application meeting was held where the submittal requirements and the following items were discussed: - Existing non-permitted freestanding and A-frame signs. - Code Enforcement actions and status on the subject site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
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.
06/04/09	A field check was completed on the indicated date. Staff observed the following items. A total of ten non-permitted freestanding signs and one A-frame sign were identified on the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.29 acres

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)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

(1) 10-Foot Freestanding Sign				(4) Five-Foot Freestanding Signs		
	Required	Provided	Deviation	Required	Provided	Deviation
Maximum Number	1 per street frontage	5 total	400%	1 per street frontage	5 total	400%
Maximum Area	48 SF	20 SF	N/A	48 SF	4.6 SF	N/A
Maximum Height	12 Feet	10 Feet	N/A	12 Feet	5 Feet	N/A
Minimum Setback	5 Feet	1-Foot	100%	5 Feet	1-Foot	100%
Minimum Distance Separation	100 Feet	From North to South: 25, 25, 17 and 25 Feet	75%, 75%, 83% and 75%	100 Feet	From North to South: 25, 25, 17 and 25 Feet	75%, 75%, 83% and 75%
Residential Protection Standards	200 Feet	N/A	N/A	200 Feet	N/A	N/A
Illumination	Internal and External	N/A	N/A	Internal and External	N/A	N/A

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ANALYSIS

The subject application is requesting a total of five non-illuminated existing freestanding signs. These existing freestanding signs are double faced non-illuminated post mounted signs that carry a commercial message (i.e. company name and logo). These signs were posted without building permits and are positioned adjacent to the property line along Teddy Drive. There are four five-foot tall freestanding signs and one 10-foot tall freestanding sign. The signs fail to meet the 100-foot required minimum distance separation requirement; exceed the one sign allowed per street frontage and fail to comply with the required five-foot setback requirement. The applicant is providing a minimum distance between freestanding signs of 17 to 25 feet. The percent of deviation ranges from 75% to 83%.

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 total number, setback and sign separation requirements allowed by Title 19. Alternative number of signs would allow conformance to 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 10

SENATE DISTRICT 3

NOTICES MAILED 142

APPROVALS 1

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