

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-36578 - 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. All required building permits and final inspections for existing signs shall be obtained within 30 days of the date of final approval and shall be permitted prior to construction and receive a final inspection.
3. Any non-permitted signage not part of this Variance application shall be removed within ten (10) days of the date of final approval.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. 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

There are a total of ten proposed signs on the subject site. The applicant is requesting a Variance to allow ten existing freestanding signs where one is allowed; and to allow a distance separation of 50 to 79 feet where 100 feet from freestanding to freestanding sign is required on 2.27 acres at 2825 and 2829 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. If denied, any existing signs would need to be removed or properly permitted and a new Variance would be required.

ISSUES

- The applicant has created a self-imposed hardship by proposing signage that exceeds the allowable number of freestanding signs and exceeds minimum sign separation requirements allowed by Title 19.
- A Code Enforcement case (#72108) for illegal signage at the subject site was opened on 11/19/08 and remains unresolved.

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.
11/19/08	A Code Enforcement citation (#72108) was issued at 2829 West Sahara Avenue for illegal signage. Code Enforcement has not resolved this complaint.
07/09/09	Variance (VAR-34815) was withdrawn without prejudice to allow ten existing freestanding signs where one is allowed; and to allow a distance separation of 50 to 79 feet where 100 feet from freestanding sign to freestanding sign is required on 2.27 acres at 2825 and 2829 West Sahara Avenue.
<i>Related Building Permits/Business Licenses</i>	
1962	The County Assessor's office indicates a construction date of 1962.
04/09/04	A building permit (#04008053) was issued for electrical repairs at 2829 West Sahara Avenue. The permit was finalized on 04/12/04.
01/10/07	A business license (#A07-00584) was re-issued for apartment rentals after a change in ownership at 2500 Teddy Drive.

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<i>Pre-Application Meeting</i>	
10/22/09	A pre-application meeting was held where the submittal requirements and the following items were discussed: - Existing non-permitted signs were discussed. - Code Enforcement actions and status on the subject site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
11/13/09	A field check was completed on the indicated date. The following items were noted: The existing non-permitted signs were identified by Planning and Development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.27 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	SC (Service Commercial) & H (High Density Residential)	R-3 (Medium Density Residential)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)

<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		
A-O Airport 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

BTS

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DEVELOPMENT STANDARDS

	Required	Provided	Deviation
Maximum Number	1 per street frontage	10 total	900%
Maximum Area	48 SF	1@32 SF 9@5.34 SF	N/A
Maximum Height	12 Feet	9 Feet	N/A
Minimum Setback	5 Feet	25 Feet	N/A
Minimum Distance Separation	100 Feet	From East to West: 55, 50, 80, 50, 50, 50, 50, 50 and 52 Feet	45%, 50%, 20% 50%, 50%, 50%, 50%, 50% and 48%

ANALYSIS

The subject application is for a total of ten non-illuminated existing freestanding signs that are double-faced non-illuminated, post mounted signs carrying a commercial message (i.e. company name and logo). These signs were posted without building permits and are positioned along the frontage road that separates the apartment complex from Sahara Avenue. There are nine existing seven-foot tall freestanding signs and one existing nine-foot tall freestanding signs. The signs fail to meet the 100-foot required minimum distance separation requirement and the maximum allowance of one freestanding sign per street frontage and contribute to visual clutter along the street frontage.

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

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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 number of freestanding signs and sign separation requirements allowed by Title 19. Alternative number of signs would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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APPROVALS 1

PROTESTS 5