

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-36579 - 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 all proposed signage 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.

VAR-36579 - Staff Report Page One
December 17, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

There are a total of four existing signs and one proposed sign on the subject site. The applicant is requesting a Variance to allow five freestanding signs where one is allowed; to allow five freestanding signs to have a one-foot setback where five feet is the minimum required; to allow a 35-foot tall sign where 12 feet is allowed, to allow a 289 square-foot sign where 48 square feet is 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 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 have to be removed or properly permitted to conform to Title 19.

ISSUES

- The applicant has created a self-imposed hardship by proposing signage that exceeds the standards allowed by Title 19.
- A Code Enforcement case (#72103) 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	Code Enforcement processed a complaint (#72103) for illegal signage at 2500 Teddy Drive. Cod Enforcement has not resolved this complaint.
07/09/09	A Variance (VAR-34816) 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 signs where one is 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 was withdrawn without prejudice.

VAR-36579 - Staff Report Page Two
December 17, 2009 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
1962	The County Assessor's office indicates a construction date of 1962.
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.
<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 freestanding signs. - 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>	
11/12/09	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	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)

VAR-36579 - Staff Report Page Three
December 17, 2009 - Planning Commission Meeting

<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			
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

DEVELOPMENT STANDARDS

	Required	Provided	Deviation
Maximum Number	1 per street frontage	5 total	400%
Maximum Area	48 SF	1@289 SF 4@4.6 SF	502%
Maximum Height	12 Feet	1@35 Feet each 4@5 Feet each	192%
Minimum Setback	5 Feet	1 Foot	80%
Minimum Distance Separation	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
Illumination	Internal /External	35-Foot Sign has internal and external and a message board	Internal /External

ANALYSIS

The subject application is requesting a total of five freestanding signs along the length of Teddy Drive. At the corner of Sahara Avenue and Teddy Drive, a 35-foot tall sign is proposed to be illuminated and will have an animated message board. All signs are double-faced signs that carry a commercial message (i.e. company name and logo). There are four existing five-foot tall freestanding signs and one proposed 35-foot tall freestanding signs. The signs fail to meet the height, square-footage, setback and minimum distance separation requirements of Title 19.14.

VAR-36579 - Staff Report Page Four
December 17, 2009 - Planning Commission Meeting

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 height, area, number of freestanding signs and sign separation requirements allowed by Title 19. Alternative number and design 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

16

NOTICES MAILED 144

APPROVALS 1

PROTESTS 2