

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - 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. This Variance approval is for the proposed 35-foot tall, 289 square-foot Freestanding Sign only.
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 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. 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 four existing signs and one proposed sign on the subject site. The applicant is requesting a Variance to allow a 35-foot tall sign where 12 feet is allowed and to allow a 289 square-foot sign where 48 square feet is allowed 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 excessive height and size of the sign requested as a part of this application, staff cannot support this request and is recommending denial of the requested Variance. If denied, the proposed sign would not be permitted and 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 minimum standards allowed by Title 19.14.
- A Code Enforcement case (#72103) for illegal signage at the subject site was opened on 11/19/08 and remains unresolved.
- This Variance is for a proposed 35-foot tall, 289 square-foot freestanding sign only. The four smaller existing freestanding signs included in the original submittal have been excluded from this request at the applicant's request.

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 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. Code 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.

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12/17/09	The Planning Commission, at the request of the applicant, held in abeyance Variance (VAR-36579) to allow four existing and one proposed freestanding signs and to have a one-foot setback where five feet is the minimum required; to allow five freestanding signs where one is allowed; 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
01/14/10	The Planning Commission voted to hold this item (VAR-36579) in abeyance to the 01/28/10 Planning Commission meeting at the request of the applicant.

<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)

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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)

<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 (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

	Required	Provided	Deviation
Maximum Number	1 per street frontage	One total	Meets Title 19.14 Requirement
Maximum Area	48 SF	One@289 SF	502%
Maximum Height	12 Feet	One@35 Feet each	192%
Minimum Setback	5 Feet	25 Feet	Meets Title 19.14 Requirement
Minimum Distance Separation	100 Feet	One sign provided	Meets Title 19.14 Requirement
Residential Protection Standards	200 Feet	220 Feet	Meets Title 19.14 Requirement
Illumination	Internal /External	35-Foot Sign has internal and external and a message board	Internal /External

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ANALYSIS

This request is for one freestanding sign adjacent to 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. The sign is double-faced and carries a commercial message (i.e. company name and logo). The sign exceeds the height and square-footage requirements of Title 19.14, and the applicant has not provided any evidence of unique or extraordinary circumstances to justify the proposed signage.

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 and area allowed by Title 19. Alternative design of the sign 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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NOTICES MAILED

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APPROVALS 1

PROTESTS 3