

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CRAIG 95, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-37837	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

VAR-37837 CONDITIONS

Planning and Development

- 1.Conformance to the conditions for Special Use Permit (SUP-4694).
- 2.This approval shall be void two years from the date of final approval, unless a building permit is issued for the Off-Premise sign. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.
- 4.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance (VAR-37837) to raise an existing 40-foot tall, 14-foot by 48-foot Off-Premise Sign to 47feet at 7075 West Craig Road. The existing Off-Premise Sign is located on the northeast corner of the subject property. A 41,097 square-foot shopping center is under construction at the subject site and due to the positioning of the buildings the Off-Premise Sign visibility is partially obscured. Staff cannot support this Variance request, since the hardship was self-imposed by the site design. If the application is denied, the Off-Premise Sign would remain at 40 feet in height.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/21/04	The City Council approved a request for Rezoning (ZON-3197) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres adjacent to the southwest corner of Craig Road and U.S. 95 Freeway. The Planning Commission recommended approval.
11/17/04	The City Council approved a request for a Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 7075 West Craig Road. The Planning Commission recommended approval.
08/01/07	The City Council approved a request for a Site Development Plan Review (SDR-19643) for a 37,925 square-foot commercial center and waivers of perimeter landscape buffer standards to allow no landscaping along the south and east property lines where an eight-foot wide buffer is required and a two-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required on 3.53 acres on the south side of Craig Road, west of U.S. 95. The Planning Commission and staff recommended approval.
08/01/07	The City Council approved a request for Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of U.S. 95. The Planning Commission recommended approval.
02/28/08	The Planning Commission approved a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-25484) for a proposed 41,097 square-foot shopping center on 3.53 acres adjacent to the south side of Craig Road, west of U.S. 95. Staff recommended approval.

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10/01/08	The City Council approved a request for a Special Use Permit (SUP-29027) for a proposed Pawnshop with a waiver to allow a zero-foot distance separation to another Financial Institution specified where 1,000 feet is required at the southwest corner of U.S. 95 and Craig Road. The Planning Commission recommended approval and staff recommended denial.
12/18/08	A Code Enforcement case (72905) was processed for refuse and waste on property at 7075 West Craig Road. Code Enforcement closed the case on 01/15/09.
01/07/09	The City Council approved a request for a Required Review (RQR-30484) of a previously approved Special Use Permit (SUP-4694) for a 40-foot tall, 14-foot by 48-foot Off-premise Sign at 7075 West Craig Road. The Planning Commission and staff recommended approval.
07/09/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan Review (SDR-34582) for a restaurant with drive-through and a reduction in square footage of an approved shopping center with a waiver to allow a zero-foot perimeter landscape buffer where two feet was approved on 3.53 acres adjacent to the south side of Craig Road, west of U.S. 95.
09/02/09	The City Council approved a request for an Extension of Time (EOT-35333) of a previously approved Rezoning (ZON-19647) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of U.S. 95.

<i>Most Recent Change of Ownership</i>	
07/13/05	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
07/18/05	A building permit (5004899) was issued for a 40-foot tall, 14-foot by 48-foot Off-premise Sign at 7075 West Craig Road. The permit was finalized on 08/01/06.
05/08/09	A building permit (139191) was issued for rough grading at 7075 West Craig Road. The permit is still active.
05/12/09	A building permit (139190) was issued for on-site hardscapes at 7075 West Craig Road. The permit is still active.
11/02/09	Building permits (150422, 150423 and 150424) was issued for three trash enclosures at 7075 West Craig Road. The permit is still active.
11/03/09	A building permit (138889) was issued for a restaurant shell for Certificate of Competition at 7079 West Craig Road. The permit is still active.
11/03/09	A building permit (138888) was issued for Retail shell #2 for Certificate of Competition at 7083 West Craig Road. The permit is still active.

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11/13/09	A building permit (139190) was issued for Retail shell #1 for Certificate of Competition at 7077 West Craig Road. The permit is still active.
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<i>Pre-Application Meeting</i>	
03/11/10	A pre application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included: • Revise the justification letter to address the specific Off-Premise Sign height and placement. • Provide elevations for the Off-Premise Sign. • Bird deterrent devices may be required.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
04/22/10	The subject site is under construction, with the area blocked off and free of debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.53

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
East	U.S. 95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.14.100, the following standards apply:

<i>Standards</i>	<i>Code Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
Height Off-Premise Sign	40 Feet above grade	47 Feet	N

ANALYSIS

This request is to allow a 47-foot tall, 14-foot by 48-foot Off-Premise Sign where 40 feet is the maximum height permitted. The applicant has given no compelling justification for approval. A building permit (5004899) for the current 40-foot tall Off-Premise Sign was issued on 07/18/05 renewed on 07/26/06, and the permit was finalized on 08/01/06. Construction of the 41,097 square-foot shopping center began in 2009. The shopping center was designed without taking the location and height of the Off-Premise Sign into consideration. The height increase would be 17.5% higher than what was approved by Special Use Permit (SUP-4694). Given these circumstances, staff cannot support this request and recommends denial. If approved, a 47-foot tall sign would remain in conformance with the Airport Overlay District restrictions.

FINDINGS (VAR-37837)

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.”

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Additionally, Title 19.18.070(L) 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 designing the site without consideration of the location and elevation of the existing Off-Premise Sign. A redesign of the buildings elevation 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 11

NOTICES MAILED 196

APPROVALS 0

PROTESTS 2