

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: SEA BREEZE VILLAGE II, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38114	Staff recommends DENIAL, if approved subject to conditions:	
MSP-38116	Staff recommends DENIAL, if approved subject to conditions:	VAR-38114

**** CONDITIONS ****

VAR-38114 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Master Sign Plan (MSP-38116) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

MSP-38116 CONDITIONS

Planning and Development

1. Conformance to the conditions of approval for Master Sign Plans MSP-0006-02 and MSP-2619, except as amended herein.
2. Conformance to the sign elevations and documentation as submitted in conjunction with this request, date stamped 04/27/10, except as amended by conditions herein.
3. All signage shall have proper permits obtained through the Building and Safety Department.
4. Any future amendments to the approved signage within the Master Sign Plan in conformance with Title 19 standards may be reviewed and approved administratively by the Planning and Development Department.

Public Works

5. The proposed signs shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed ground mounted bases shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

A shopping center is located on the subject site, which is located at the northeast corner of Buffalo Drive and Vegas Drive. An approved restaurant with drive-through is currently under construction at the southwest corner of this shopping center. This request would amend the previously approved Master Sign Plan (MSP-0006-02) for the shopping center to permit signage for the restaurant with drive-through. Eleven outdoor signs are proposed, including a monument sign along Buffalo Drive, four wall signs, two standard directional signs, a clearance arm directional sign to restrict the height of vehicles passing through the drive-through, a menu board, order confirmation pedestal and an LED border around the upper portion of the building façade. Signage is in compliance with Title 19.14 sign standards with the exception of the menu board, which exceeds the allowed height for menu board signs, and the clearance arm, which exceeds the allowed height, area and logo coverage for directional signs. As there is no hardship associated with the physical characteristics of the site that would warrant the requested deviations from Title 19, staff recommends denial of the Variance and the amendment to the existing Master Sign Plan. If denied, the existing Master Sign Plan would remain and approval of a new amendment would be necessary to allow signage on the restaurant with drive-through and its surrounding property.

ISSUES

- Approval of a Variance to allow a height of nine feet for the menu board where seven feet is the maximum height allowed and to allow a directional incidental sign that is 13 feet tall, 27 square feet in area and contains a logo making up 67 percent of the sign area where seven feet in height, 12 square feet in area and 50 percent logo coverage are allowed is required for approval of the master sign plan amendment.
- The subject property is located within 200 feet of single family residences; therefore, Title 19.14.070 residential protection standards apply.
- If the menu board and clearance arm signage were to be reduced to meet the standards of Title 19.14, staff would recommend approval of the Master Sign Plan.

Staff Report Page Two
June 24, 2010 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/07/90	The City Council approved a Rezoning (Z-0097-90) from N-U (Non-Urban) to R-CL (Single Family Compact-Lot), R-PD15 (Residential Planned Development – 15 Units per Acre) and C-1 (Limited Commercial) on property located on the east side of Buffalo Drive between Vegas Drive and Lake Mead Boulevard. The Planning Commission recommended approval; staff recommended denial.
03/09/98	The City Council approved a Site Development Plan Review [Z-0097-90(5)] for a proposed 142,352 square-foot Retail Center and a Special Use Permit (U-0138-97) to allow Packaged Liquor sales in conjunction with a proposed 17,157 square-foot General Retail Store on property located on the northeast corner of Vegas Drive and Buffalo Drive. The Planning Commission and staff recommended approval.
03/23/98	The City Council approved a Special Use Permit (U-0012-98) for the sale of Packaged Liquor for off-premise consumption in conjunction with a proposed 61,860 square-foot Grocery Store located at the northeast corner of Vegas Drive and Buffalo Drive. The Planning Commission and staff recommended approval.
06/14/99	The City Council accepted the withdrawal without prejudice of a Special Use Permit (U-0053-99) to allow gasoline sales, an Automotive Repair Garage, Minor with a Waiver to allow service bays facing the public right-of-way, and a car wash in conjunction with a proposed Convenience Store and a Special Use Permit (U-0054-99) for the Off-Premise Sale of Beer and Wine in conjunction with a proposed 3,200 square-foot convenience Store on property located on the southeast corner of Buffalo Drive and Sea Spray Avenue. The Planning Commission and staff had recommended denial.
05/30/00	The Planning and Development Department administratively approved a Site Development Plan Review [Z-0097-90(6)] for a proposed Garden Supply/Plant Nursery in conjunction with a proposed Grocery Store on the northeast corner of the intersection of Buffalo Drive and Vegas Drive.
07/05/00	The City Council approved a request for a Reinstatement and Extension of Time [U-0012-98(2)] of an approved Special Use Permit for the Off-Premise sale of package liquor in conjunction with a proposed Grocery Store on the northeast corner of the intersection of Buffalo Drive and Vegas Drive. The Planning Commission and staff recommended approval of this request.
06/06/01	The Planning and Development Department administratively approved a Site Development Plan Review [Z-0097-90(7)] to modify the approved retail commercial center by reducing the square footage from 142,352 square feet to 130,643 square feet.

Staff Report Page Three
June 24, 2010 - Planning Commission Meeting

08/15/01	The City Council approved a Site Development Plan Review [Z-0097-90(8)] for a proposed Fueling Station and a Special Use Permit (U-0094-01) for a Service Station in conjunction with a proposed Fueling Station on the northeast corner of Vegas Drive and Buffalo Drive. The Planning Commission and staff recommended approval of these requests.
10/16/02	The City Council approved a Master Sign Plan (MSP-0006-02) for the development. The Planning Commission and staff recommended approval.
01/22/03	The City Council approved a Variance (V-0054-02) to allow 652 parking spaces where 729 parking spaces are required on property located adjacent to the northeast corner of Buffalo Drive and Vegas Drive. The Planning Commission recommended approval of this request; staff recommended denial.
09/17/03	The City Council approved a request for a Major Amendment (MSP-2619) of an approved Master Sign Plan (MSP-0006-02) for an existing retail/office complex at the northeast corner of Buffalo Drive and Vegas Drive. The amendment allowed one additional 20-foot freestanding sign along the Buffalo Drive frontage. The Planning Commission and staff recommended approval.
01/21/04	The City Council approved a Required Review (RQR-3543) of an approved Variance (V-0054-02) to allow 652 parking spaces where 729 spaces are required on property located adjacent to the northeast corner of Buffalo Drive and Vegas Drive. Staff recommended approval of this request.
02/08/07	The Planning Commission approved a request for a Site Development Plan Review (SDR-15357) for a 5,000 square-foot bank on the northeast corner of Vegas Drive and Buffalo Drive. Staff recommended denial of this request.
04/23/09	The Planning Commission approved a request for a Site Development Plan Review (SDR-33756) for a 2,783 square-foot restaurant with drive-through at the northeast corner of Buffalo Drive and Vegas Drive. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
07/05/06	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
01/05/10	A building permit (141471) was issued for a restaurant at 7598 Vegas Drive. A final inspection has not yet been completed.
01/05/10	A building permit (141472) was issued for on-site improvements at 7598 Vegas Drive. A final inspection has not yet been completed.
01/05/10	A building permit (141473) was issued for a trash enclosure at 7598 Vegas Drive. A final inspection has not yet been completed.

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Staff Report Page Four
June 24, 2010 - Planning Commission Meeting

02/10/10	A building permit (156412) was issued for three 35 square-foot wall signs, one 72 square-foot wall sign; one menu board sign and two incidental directional signs at 7598 Vegas Drive. A final inspection has not yet been completed.
03/19/10	A building permit application (159038) for a 30-foot tall freestanding sign was submitted to the Building and Safety Department for review. The Planning and Development Department denied its review, requiring prior approval of an amendment to the existing master sign plan for the shopping center.

Pre-Application Meeting

03/26/10	A pre-application meeting was conducted, where the following topics were discussed: • A variance will be required to allow the proposed height and logo coverage of the clearance arm. It was later determined that the proposed height of the menu board also exceeded code allowances and a variance would be required. • An amended Master Sign Plan for the shopping center would be required for all proposed signage for the restaurant with drive-through. • A permit has already been issued for the wall signs, two of the directional signs and the menu board; however, the final inspection cannot be approved until a variance and amended master sign plan are approved.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

05/20/10	A field inspection was conducted, where the following items were noted: • The restaurant building appeared to be completed and the wall signage was attached to the building, including the “Star Logo”; • The menu board and order confirmation kiosk were installed; • No clearance arm was located in the drive-through lane; • The parking and drive-through areas had not been completed.
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Details of Application Request

Site Area

Net Acres	0.52 of a total 13.41 acres
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Staff Report Page Five
June 24, 2010 - Planning Commission Meeting

<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 (Restaurant with Drive Through)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Grocery Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Dwelling, Detached	SF3 (Single Family Residential – 10 Units per Acre) Summerlin North Designation	P-C (Planned Community)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<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 (200 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, the following standards apply:

Menu Board	Allowed	Provided	Compliance
Maximum Number	Two signs per drive-through lane if visible from ROW	One menu board 1 total	Y
Maximum Area	60 SF freestanding	40 SF freestanding	Y
Maximum Height	7 feet	8.26 feet (18% deviation)	N
Minimum Setback	5 feet	50 feet	Y
Illumination	External/Internal	Internal	Y
Other	Only the word "Menu" to be legible from ROW	Does not face ROW	Y

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Staff Report Page Six
June 24, 2010 - Planning Commission Meeting

Incidental Signs (Non-directional)	Allowed	Provided	Compliance
Maximum Number	No limit	One order confirmation pedestal	Y
Maximum Area	No limit	7.26 SF	Y
Maximum Height	5 feet	4.58 feet	Y
Minimum Setback	5 feet	56 feet	Y
Illumination	External/Internal	Internal	Y
Other	Up to 25% of sign area may contain logo	Less than 25%	Y
Incidental Signs (Directional)	Allowed	Provided	Compliance
Maximum Number	Two signs per driveway or access 4 total	One sign per driveway; one drive-through clearance arm 3 total	Y
Maximum Area per sign	12 SF	27 SF (125% deviation)	N
Maximum Height per sign	7 feet	12.5 feet (79% deviation)	N
Minimum Setback	5 feet	29 feet	Y
Illumination	Internal only	Internal	Y
Other	Up to 50% of sign area may contain logo	67% (34% deviation)	N
Monument Signs	Allowed	Provided	Compliance
Maximum Number	1/200 feet street frontage 1 total	One sign along Buffalo Dr. street frontage 1 total	Y
Maximum Area	75 SF/sign	16 SF	Y
Maximum Height	10 feet	7 feet	Y
Minimum Setback	5 feet	5 feet	Y
Illumination	Direct External/Internal	Internal	Y
Wall Signs	Allowed	Provided	Compliance
Maximum Number	Limited by area of elevation	1 sign per elevation 4 total	Y
Tube decoration	Limited by area of elevation	277 linear feet	Y
Maximum Area	20% of building elevation	Less than 20%	Y
Maximum Projection	4 Feet	8 Inches	Y
Illumination	Internal/External only	Internal	Y

Staff Report Page Seven
June 24, 2010 - Planning Commission Meeting

ANALYSIS

The original Master Sign Plan (MSP-0006-02) for the shopping center was required in 2002 as a result of zoning standards requiring Master Sign Plans for non-residential development projects exceeding 2.5 acres. This amendment adds standards for signage for a new restaurant with drive-through at the southwest corner of the overall development. This restaurant was approved by Site Development Plan Review SDR-33756 and is currently under construction.

The proposed monument sign, wall signs on each building elevation, order confirmation board and the directional signs located at the entrance and exit to the drive-through lane are in compliance with Title 19.14 signage standards. A 277-foot narrow LED-lighted tube is proposed along the façades of the building near the roofline that meets the residential protection standards for illuminated signs in Title 19.14.070.

Two of the proposed signs are not in conformance with Title 19.14. The submitted plans indicate that the proposed menu board is to be approximately nine feet tall where seven feet is the maximum height allowed, a 29 percent deviation. The height measurement includes the supporting structure. At the entrance to the drive-through lane, a directional sign indicating the drive-through and restricting height clearance is proposed that exceeds height, area and logo coverage standards for directional incidental signs. The logo consists of the name and graphic of the restaurant. The proposed sign represents a 79 percent deviation in the height, a 125 percent deviation in area and a 34 percent deviation in the sign area that the logo may be allowed to cover.

Because these signs are not in conformance with Title 19 signage requirements and could be designed to meet these standards, staff recommends denial of the variance to allow the deviations and the accompanying amendment to the existing master sign plan for the shopping center that would add these signs for the restaurant. If the signs are brought into conformance with Title 19, staff would recommend approval of these items. Any future amendments to the approved signage within the Master Sign Plan in conformance with Title 19 standards may be reviewed and approved administratively by the Planning and Development Department.

FINDINGS (VAR-38114)

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.”

Staff Report Page Eight
June 24, 2010 - Planning Commission Meeting

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 a menu board and an incidental sign that do not meet height, area and logo coverage standards of Title 19. Removal of the incidental sign and redesign of the menu board 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

15

NOTICES MAILED 1,242

APPROVALS 0

PROTESTS 2