



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-42233	Staff recommends APPROVAL.	
VAR-42234	Staff recommends DENIAL, if approved subject to conditions:	ROC-42233

** CONDITIONS **

VAR-42234 CONDITIONS

Planning

1. Approval of and conformance to the Review of Condition (ROC-42233) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. The supporting structures for the proposed sign shall not be located within the 20-foot public sewer easement granted by Plat Book 58 Page 2.

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6. Submit an Encroachment Agreement for the portions of the proposed sign in the public right-of-way adjacent to this site prior to this issuance of a permit for this sign. The adjacent property must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all existing landscaping and new signage in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. Encroachment application L-ENCR #41730 may satisfy this condition provided that it contains all information required by the Building and Safety Department.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to remove a six-foot tall monument sign and replace it with a 25-foot tall, 165 square-foot freestanding sign with a zero-foot setback along Sahara Avenue for an existing law office. The two-sided sign features a 60 square-foot internally illuminated panel at the top with a 75 square-foot multi-colored LED electronic message unit (EMU) placed below that faces the east and west traffic along Sahara Avenue.

ISSUES

- A Review of Conditions (ROC) for Rezoning (Z-0050-90) to remove Condition of Approval Number Two has been requested in conjunction with the requested Variance. Condition of Approval Number Two requires that a Master Sign Plan be approved prior to the issuance of any sign permits. Staff supports the requested Review of Conditions, as the project does not meet the Title 19 conditions that would require approval of a Master Sign Plan.
- A Variance is required to allow a freestanding sign to have a zero-foot setback where a five-foot setback is the minimum allowed for the C-1 (Limited Commercial) zoning district. Staff does not support this request as alternative designs that meet the minimum Title 19 standards could be used.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/05/86	The City Council approved Annexation (A-0009-85) of approximately one thousand four hundred seventy acres, generally located south of Charleston Boulevard, north of Sahara Avenue, between Torrey Pines Drive and Fort Apache Road. The Planning Commission and staff recommended approval.
09/23/93	The Planning Commission approved Rezoning (Z-0050-90) for a Plot Plan and Building Elevation Review on the north side of Sahara Avenue, approximately 660 feet west of Tenaya Way. Staff recommended approval.

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<i>Most Recent Change of Ownership</i>	
05/06/04	A deed was recorded for a change in ownership of 163-03-412-006.
11/02/04	A deed was recorded for a change in ownership of 163-03-412-007.
04/02/99	A deed was recorded for a change in ownership of 163-03-412-009.
06/17/09	A deed was recorded for a change in ownership of 163-03-412-010.
07/16/10	A deed was recorded for a change in ownership of 163-03-412-011.
03/11/05	A deed was recorded for a change in ownership of 163-03-412-012.
09/24/10	A deed was recorded for a change in ownership of 163-03-412-013.
05/06/04	A deed was recorded for a change in ownership of 163-03-411-003.
11/15/95	A deed was recorded for a change in ownership of 163-03-411-005.
11/07/96	A deed was recorded for a change in ownership of 163-03-411-007.
10/08/96	A deed was recorded for a change in ownership of 163-03-411-009.
11/18/02	A deed was recorded for a change in ownership of 163-03-411-010.
08/16/96	A deed was recorded for a change in ownership of 163-03-411-011.
04/22/98	A deed was recorded for a change in ownership of 163-03-411-012.
10/22/01	A deed was recorded for a change in ownership of 163-03-411-013.
07/18/96	A deed was recorded for a change in ownership of 163-03-411-014.
12/14/04	A deed was recorded for a change in ownership of 163-03-411-015.
05/18/11	A deed was recorded for a change in ownership of 163-03-411-016.

<i>Related Building Permits/Business Licenses</i>	
06/24/10	A Sign Permit (#165908) was issued for a monument sign at 7408 West Sahara Avenue. The sign did not receive final inspection.
07/01/10	A Demolition Permit (#166437) was issued to remove a monument sign at 7408 West Sahara Avenue. The sign has not be removed as of 6/30/11.

<i>Pre-Application Meeting</i>	
04/27/11	Staff reviewed the application requirements for a Review of Condition (ROC) and a Variance (VAR) request. The ROC of Condition Number Two of Z-0050 -90 to delete the Master Sign Plan requirement will have to be approved before a Variance can be considered for an individual sign.

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

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Field Check	
06/30/11	Staff conducted a field check of the site and found a well maintained office complex with two existing monument signs; one located at the southeast corner of the property and the other (to be removed) centrally located at the front of the property. The monument sign that is to be removed has an approximate five-foot setback from the edge of the sidewalk with a zero-foot setback from the property line.

Details of Application Request	
Site Area	
Net Acres	4.52

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Medical or Dental and Office, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Single Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
	Undeveloped		
South	Industrial Mini-Warehouses	Clark County	Clark County
East	Office, Medical or Dental and Office, Other than Listed	SC (Service Commercial)	P-R (Professional Office and Parking)
West	Undeveloped	SC (Service Commercial)	U (Undeveloped)

Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
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

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DEVELOPMENT STANDARDS

Pursuant to 19.08.120(F)(16) , the following standards apply:

<i>Freestanding Signs:</i>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Number	1 per each two hundred lineal feet of street frontage 2 total	1 per each two hundred lineal feet of street frontage 1 total	Y
Maximum Area	666 SF.	171 SF.	Y
Maximum Height	40 Feet	25 Feet	Y
Minimum Setback	5 Feet	Zero Feet	N
Illumination	Internal and/or External	Internal with Electronic Message Unit	Y

ANALYSIS

When this project was originally approved in 1993, a condition was added that required a Master Sign Plan be submitted and approved by the Planning Department before an individual sign permit could be issued. This was never completed and several sign permits have been issued for the site over the past 18 years. Since the project was built, the minimum standards for a Master Sign Permit have been revised and this site no longer requires approval of a Master Sign Plan. Staff supports the applicant's request to eliminate Condition Number Two of Rezoning (Z-0050-90).

The applicant is also requesting a Variance to install a 25-foot tall freestanding sign with a zero-foot setback where a five-foot setback is the minimum required. No compelling reasons have been offered to justify the request. A smaller sign could be designed to meet all Title 19 minimum standards. The proposed sign will also require approval of an encroachment agreement. For these reasons, staff does not support the requested Variance and recommends denial. If denied, all signage would be required to meet the minimum requirements of Title 19.

FINDINGS (VAR-42234)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 proposing a freestanding sign within the required setback. An alternative location on the site and/or a smaller 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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