



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 6, 2012

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: NEVADA DEVELOPMENT AND REALTY
COMPANY - OWNER: NFC, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-44952	Staff recommends APPROVAL, subject to conditions:	
SUP-44951	Staff recommends APPROVAL, subject to conditions:	VAR-44952

**** CONDITIONS ****

VAR-44952 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-44951).
- 2.Conformance to the approved conditions for Rezoning (Z-0108-63) and Site Development Plan Review [Z-0108-63(6)].
- 3.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.
4. 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 Department of Building and Safety.
- 5.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 6.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-44951 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for the Off-Premise Sign use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-44952).
3. The Off-Premise Sign shall be in conformance with the site plan and building elevations, date stamped 03/28/12, except as amended by conditions herein.
3. Conformance to the applicable approved conditions for Rezoning (Z-0108-63) and Site Development Plan Review [Z-0108-63(6)].
4. 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.
5. 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 Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. If the existing Off-Premise Sign is voluntarily removed, this Special Use Permit shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to replace an existing incidental sign displaying only an address with a double-sided directory monument sign that displays the tenants in the building at 2500 West Sahara Avenue. However, because the sign is proposed to be placed in the driveway median at the entrance to the site, which is located on the lot to the east of this building (2300 West Sahara Avenue), it is by definition an Off-Premise Sign. The sign area is 26 square feet and the overall height is less than eight feet. As the building is set back on the property, the sign is proposed at this location for greater visibility of tenants from Sahara Avenue. The edge of the sign would be located approximately four feet from the property line, which is located at the west edge of the driveway median. A Variance is needed from the sign setback requirement, and a Special Use Permit is needed for the Off Premise Sign use. The applicant intends only to advertise tenants at 2500 West Sahara Avenue and will be limited to the size of the sign as approved. Staff recommending approval, as the configuration of the subject site is such that only a shared narrow driveway is visible from the public right-of-way, with the proposed sign located within an existing median that is part of the adjacent property. If denied, the existing sign may remain. However, any new sign must conform to the requirements of Title 19.08 prior to the issuance of a permit.

ISSUES

- A Special Use Permit for an Off-Premise Sign is required in the C-1 (Limited Commercial) Zoning District, as the proposed sign advertises tenants located on a lot different from the one on which it is located.
- A Variance is required to allow the proposed sign to be located four feet from the side property line where five feet is the minimum required.
- Approval of the Special Use Permit would entitle the property owner to legally display a sign in conformance with the applicable standards of Title 19.12.120 as they relate to the specifications of the proposed sign. A subsequent increase in the height or size of the sign would require the appropriate amendment of the Special Use Permit and/or a new Variance approval.
- The two properties (2300 and 2500 West Sahara Avenue) share access to Sahara Avenue via a narrow driveway with a lot line running down the middle of the drive. The existing median is located along the east side of the lot line and is part of 2300 West Sahara Avenue.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/24/63	The Board of City Commissioners approved a Rezoning (Z-0108-63) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on approximately 72 acres generally located on the north side of Sahara Avenue between Rancho Drive and Richfield Drive. The Planning Commission and staff recommended approval.
10/16/85	The City Council approved a Plot Plan Review [Z-0108-63(6)] for a proposed office complex on approximately 16 acres generally located on the north side of Sahara Avenue between Rancho Drive and Paseo Del Prado. The Planning Commission and staff recommended approval.
04/18/12	The City Council approved a General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within the Redevelopment Area to Commercial or Mixed Use. The designation on the subject parcel was amended from SC (Service Commercial) to C (Commercial) as part of this action. The Planning Commission and staff recommended approval.
05/08/12	The Planning Commission voted to recommend APPROVAL of companion items VAR-44952 and SUP-44951.

<i>Most Recent Change of Ownership</i>	
05/02/01	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/07/95	A building permit (#95389665) was issued for a two-story office building at 2500 West Sahara Avenue. A final inspection for the shell building was completed on 08/23/96.
07/12/96	A building permit (#96013878) was issued for an address sign at 2500 West Sahara Avenue. A final inspection was completed on 08/07/96.

<i>Pre-Application Meeting</i>	
11/02/11	A pre-application meeting was held with the applicant to discuss submittal requirements for a Variance and Special Use Permit. The following key points were discussed: • The proposed sign would advertise tenants on APN 162-05-818-004, which is on a separate lot from the median where the sign would be located (the lot is located on APN 162-05-802-009). The proposed sign is therefore an Off-Premise Sign. The sign meets all distance separation requirements. • The applicant was given the option to submit a boundary line adjustment if possible, to include the median within the lot that contains the tenants for which the sign would be advertising. The applicant opted on 12/12/11 to apply for a Special Use Permit for an Off-Premise Sign.

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

<i>Field Check</i>	
03/29/12	The site consists of a narrow private drive with a median containing a sign, which refers only to the address of the building on the adjacent site (2500 West Sahara Avenue). The building at 2500 is set far back from Sahara Avenue on the interior of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.69

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	Financial Institution, General		
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units Per Acre)
		L (Low Density Residential)	R-1 (Single Family Residential)
South	Hotel and Casino	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped		
West	Office, Other Than Listed	C (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	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 (175 Feet)	X		Y
Rancho Charleston Land Use Study Area	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

DEVELOPMENT STANDARDS

Pursuant to Title 19.12.120, the following standards apply:

<i>Standard</i>	<i>Code Requirement</i>	<i>Provided</i>	<i>Compliance</i>
Location	No Off-Premise Sign may be located within the public ROW. May not be located within the Off-Premise Sign Exclusionary Zone, except in exempted areas.	Proposed Off-Premise Sign is not in ROW or Exclusionary Zone	Y
Zoning	Permitted in the C-1, C-2, C-V, C-M, and M Zoning Districts only	Located in the C-1 (Limited Commercial) Zoning District	Y
Area	Maximum surface area of 672 SF, except that an embellishment of up to 128 SF is allowed to extend up to 5 feet from the rectangular surface of the sign	26 SF with no embellishments (39 SF overall)	Y
Height	No higher than 40 feet from grade at the point of construction; may be raised to 55 feet with City Council approval	8 Feet	Y
Off-Premise Sign Separation	At least 300 feet to another off-premise sign	Approx. 495 feet to nearest off-premise sign	Y
Residential Sign Separation	At least 300 feet to the nearest property line of a lot in any "R" zoned district	Approx. 530 feet to nearest "R" district	Y

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Other	All Off-Premise Signs shall be permanently secured to the ground and shall not be located on property used for residential purposes.	Secured to the ground on a nonresidential property	Y
	No closer than 10 feet to freeway ROW nor 50 feet to the intersection of two public streets	Approx. 690 feet to freeway; approx. 550 feet to nearest public intersection	Y

ANALYSIS

The proposed sign is located on property within the Airport Overlay District that has a 175-foot height restriction. The proposed sign is eight feet tall and is well within the limits of the overlay district.

The Off-Premise Sign use is defined as “any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not located nor available on the lot where the sign is erected or placed.” The proposed use meets the definition, as the proposed sign would be located in the median on APN 162-05-802-009, which is situated on a lot mapped by a parcel map. The tenants advertised by the proposed sign are located on APN 162-05-818-004, which is situated on a separate lot within a commercial subdivision.

The Minimum Special Use Permit Requirements for this use include:

1. See LVMC 19.12.120.

The proposed use meets this requirement, as the proposed sign is in conformance with all of the applicable requirements governing Off-Premise Signs in Title 19.12.120 (see table above).

The proposed Off-Premise Sign would be located on a lot that is narrow at the front to provide access to 2300 West Sahara Avenue (APN 162-05-802-009) and widens out to encompass a large parking structure and office building. The median is located in this narrow portion of the lot. The proposed sign is of an appropriate size and would not otherwise be able to be seen from Sahara Avenue except at this location, where it would encroach one foot into the side yard setback. The proposed sign meets all requirements for off-premise signs, including distance separation from other off-premise signs and residentially zoned properties. For these reasons, it can be compatible with the surrounding uses and staff recommends approval of both requests, with conditions. The sign would be limited to the location, size and height specified by the submitted plans.

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FINDINGS (VAR-44952)

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.”

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.”

The subject legal lot has narrow street frontage to allow access via a shared driveway to the interior of the site. The proposed sign requires location in the median that is located in this driveway for visibility. Due to this uniqueness in the shape of the lot, the request for a variance to allow a one-foot setback encroachment is warranted, and staff recommends approval with conditions.

FINDINGS (SUP-44951)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Off-Premise Sign use can be conducted in a manner that is harmonious and compatible with the existing commercial and residential uses, as it will be limited in size and height per the submitted plans, meets all distance separation requirements and will not interfere with the visibility of other signs in the area.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

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The proposed sign would be located in a driveway median on a site that is narrow at its street frontage and cannot accommodate the sign without approval of an accompanying variance, which is minor and which staff supports.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Sahara Avenue provides adequate access to the site.

4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The applicant must obtain a building permit for the proposed Off-Premise Sign prior to its installation and be inspected for compliance with all applicable codes prior to its use, thereby safeguarding the public health, safety and welfare.

5. The use meets all of the applicable conditions per Title 19.12.

The use is in conformance with all applicable requirements for Off-Premise Signs per Title 19.12.120.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

207 (By City Clerk)

APPROVALS

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PROTESTS

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