



December 20, 2012

Flinn Fagg, Director  
Planning and Development Department  
City of Las Vegas  
333 N. Rancho Drive  
Las Vegas, NV 89106

RE: US-95 & Ann Road Commercial Park Office Building  
Request: SUP and Variances for Allowing an Off-Premise Wall Sign from  
an Approved On-Premise LED Wall Sign  
APN#s: 125-34-116-004

Dear Mr. Fagg:

On behalf of our client, KHANEH Holdings LLC, please accept this justification letter for a Special Use Permit and Variances and any changes if needed to the Master Sign Plan Amendment (MSP-9591 and as amended MSP-47179) to allow an approved LED wall sign to be used as an Off-Premises Sign on an existing commercial/professional building at the southwest of the US-95 and Ann Road (5550 Painted Mirage). This sign will use an already approved and permitted on premise LED wall sign on the northeast corner of the office building use.

The site is a C-2 (General Commercial) zoned site located on the 5.25 +/- net acres. The office building is a five story structure with a parking garage. The approved on premises LED sign is about 19'9" high and 31'9" wide (630 sf) and located on the upper levels at the northeast corner of the building facing the freeway. The total wall signage of the building is about 1,060 square feet or well below the allowed 1,858 square feet.

The Variance requests are necessary to address the fact that the Code expects off-premise signs to look like conventional billboards that are pole mounted (LVMC 19.12.120.D.2) and due to the height of the sign on the building being taller than the Code expected billboard height of 40 feet or maximum of 55 feet (LVMC 19.12.120 C.7.b).

The sign request meets the applicable SUP Locational Provisions of the Code. Most significantly, the proposed sign is 1a) within 660' of the US-95 ROW; is less than the maximum allowable sizes of 30' high by 60' wide for off-premise sign; 1b) is within the 672 square feet allowed for other off-premise signs; 2) is located appropriately above the standard sign height due the proximity to an elevated freeway interchange; & 3) more than 300 feet from the nearest residential property line.

**Approval Criteria for a Special Use Permit LVMC 19.16.110**

**L. Special Use Permit Determinations—Approval**

In order to approve a proposed rezoning, the Planning Commission or City Council must determine that:

1. In order to approve a proposed Special Use Permit application, the Planning Commission or City Council must determine that:

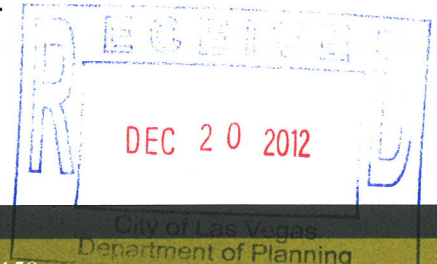
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**SUP-47834**

  
**GCGARCIA**

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- a. The proposed 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.

*This change would only add the ability to do off-premise advertising. The Sign is not a typical "billboard" as it is aesthetically designed to fit into a quality office park and surrounding neighborhood. The sign will comply with the applicable Locational Provisions for Off-Premise Signs (19.12.120). The sign orients to faces the freeway and does not face residential. Elevating the sign allows it to be functional as well as not in the face of drivers at the interchange overpass.*

*Furthermore, the sign will help sustain and promote the existing commercial facilities and other businesses. The sign is done in a manner consistent with the zoning and General Plan. The use and design will therefore comply with the SUP, MSP, conditions of approval and other Code requirements.*

- b. The subject site is physically suitable for the type and intensity of land use being proposed;

*The site is planned and zoned for the existing office park and five story office building. An LED wall sign has already been approved for the building so no additional sign or structure is required. The total building signage is substantially lower than allowed.*

*The location of the approved sign is suitably located as it is oriented toward the US-95 and away from the residential. It is within the required proximity to the US-95 as well as elevated appropriately given the depressed finished floor elevation of the building relative to the freeway interchange; visibility to serve the intended use; and aesthetics of the building.. The use will, except as requested, be done in compliance all with City requirements.*

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

*The use of an approved LED wall sign for an off-premises sign will not create any additional demand on the street or highway infrastructure. All necessary infrastructures to serve the office building is already built, in place and approved.*

- d. 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.

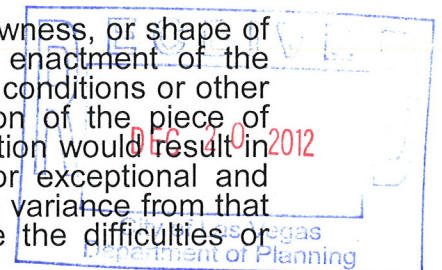
*The proposed business will not compromise the health, safety and welfare or objectives of the Plan. The investment into the building will help maintain the economic vitality of property and promote business economic well being and not visibly impact the residential or infrastructure of the City and will thus serve to protect the health, safety and welfare.*

#### **Approval Criteria for a Variance LVMC 19.16.140**

##### **L. Variance Determinations—Approval**

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the 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

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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.

*To provide for adequate sign visibility addition height is required. The topography of the site relative to the elevated freeway interchange makes a conventional billboard height unsuitable for the subject property and also provides the basis for an extraordinary and exceptional situation or condition. The elevated freeway interchange was located, designed and built by governmental action and not due to the property owner.*

*Additionally, the strict application of the height and requirement to build on a freestanding pole would create peculiar and exceptional practical difficulties as well as an undue hardship due to where such a pole would have to be located in a parking lot closer to the freeway that would result in obscuring the quality of building design; making a less attractive sign to the public; and be more imposing due to its proximity to the traveling public.*

*As proposed the sign will relieve the topographic, extraordinary circumstances. The sign as proposed provides the necessary relief while providing a benefit to the public good by removal of the unsightliness of a conventional billboard structure closer to the roadways. The sign will also comply with the approved MSP and permit for on-premise LED wall sign.*

#### SUMMARY JUSTIFICATION

In summary, we believe the requested off-premise SUP and associated Variances to increase the height and eliminate an unsightly billboard structure will help enhance the office park and provide an advertising venue for other businesses on an approved sign and serve the traveling public consistent with the Code requirement, determinations or any conditions.

We respectfully request your favorable consideration of this request. Please contact me if you have any questions or need additional information.

Sincerely,

  
George Garcia,  
President

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