



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: HARRISON PROPERTIES, LTD

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-48762	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-48762 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for an approved Downtown Signage Design Review (ARC-48760) 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. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any 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.

Conditions Page Two
May 14, 2013 - Planning Commission Meeting

Public Works

6. The sign shall be set back from the curb a sufficient distance as determined by the City Traffic Engineer.
7. Submit an Encroachment Agreement for the proposed sign in the public right-of-way adjacent to this site prior to this issuance of permits for these improvements. The applicant 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 private improvements 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. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

Staff Report Page One
May 14, 2013 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant operates an existing Pawn Shop at 709 and 713 South Las Vegas Boulevard within the Las Vegas Boulevard Scenic Byway Overlay District. The site consists of three linked parcels; the southernmost parcel contains an existing legally nonconforming freestanding sign, and the two northern parcels contain one building with interior access throughout. The applicant is proposing to affix a new 15 square-foot, double-faced projecting sign to the north side of the west elevation of the building that generally matches the design of the existing freestanding sign (same lettering and logo with an added face in red type that reads, "Express Pawn"). Title 19 does not allow any new projecting sign to be located on a property that already contains a freestanding sign; therefore, in order for a permit to be issued for this sign, a Variance must first be approved. As the proposed sign is not in conformance with Title 19 requirements, staff recommends denial.

ISSUES

- A building permit cannot be issued for the proposed sign unless a variance from Title 19.08.120 is approved allowing a projecting sign on the same property as a freestanding sign, where this is not allowed.
- An Encroachment Agreement must be approved by the City Council prior to installation of any proposed signage within the public right-of-way.
- The design of the proposed sign was approved by the Downtown Design Review Committee on 04/16/13 with a condition to add animated lighting around the full perimeter of the sign.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/21/88	The City Council approved a Special Use Permit (U-0111-88) to allow a Class III Secondhand Dealership at 713 South Las Vegas Boulevard.
02/15/89	The City Council approved a Variance (V-0162-88) to allow a Secondhand Store at 713 South Las Vegas Boulevard to purchase and sell other items in addition to the previously approved Class III items (jewelry, precious metals and gems). The Board of Zoning Adjustment recommended approval. Staff recommended denial.

Staff Report Page Two
May 14, 2013 - Planning Commission Meeting

08/16/89	The City Council approved a Special Use Permit (U-0110-89) for a Pawn Shop in conjunction with an existing Secondhand Dealer at 713 South Las Vegas Boulevard. The Board of Zoning Adjustment and staff recommended approval.
04/20/94	The City Council approved a Special Use Permit (U-0045-94) to allow the expansion of an existing Pawn Shop and to allow an Auto Pawn dealership at 709 to 715 South Las Vegas Boulevard. The Board of Zoning Adjustment and staff recommended approval.
04/21/10	The City Council approved a request for a Major Amendment (SUP-37237) to a previously approved Special Use Permit (U-0045-94) for a proposed 5,604 square-foot expansion of an existing 9,019 square-foot Pawn Shop use at 713 South Las Vegas Boulevard. The Planning Commission and staff recommended approval.
04/21/10	The City Council approved a request for a Request for a Site Development Plan Review (SDR-37326) for a 5,604 square-foot addition to an existing 9,019 square-foot commercial building with waivers of the Downtown Centennial Plan Streetscape and Parking Lot Landscaping Standards on 0.64 acres at 713 South Las Vegas Boulevard. The Planning Commission and staff recommended approval.
06/30/10	A one-lot merger and resubdivision Parcel Map (PMP-38737) at 713 South Las Vegas Boulevard was submitted for staff review. This map was not recorded and has since expired.
04/16/13	The Downtown Design Review Committee (DDRC) approved a Sign Design Review (ARC-48760) for an existing Pawn Shop with a waiver to allow 50 percent animation with no neon where 75 percent neon illumination and/or animation is required at 709 and 713 South Las Vegas Boulevard. Staff recommended denial. A condition of approval required chasing lights to be added around the entire perimeter of the proposed sign.

<i>Most Recent Change of Ownership</i>	
12/05/94	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/02/93	A building permit (#93181826) was issued for a vinyl changeout of an existing wall sign at 713 South Las Vegas Boulevard. A final inspection has not been completed.
05/05/99	A building permit (#99008631) was issued for eight existing cabinet wall signs at 713 South Las Vegas Boulevard. A final inspection was approved 05/13/99.

Staff Report Page Three
May 14, 2013 - Planning Commission Meeting

05/25/00	A building permit (#00010182) was issued for a wall sign at 713 South Las Vegas Boulevard. A final inspection was approved 06/28/00.
04/10/02	A building permit (#02006348) was issued for an 84.5 square-foot wall sign at 713 South Las Vegas Boulevard. A final inspection has not been completed.
02/28/13	An application (230590) was submitted for a building permit for a projecting sign at 713 South Las Vegas Boulevard. The application has been denied pending action by the Downtown Design Review Committee and Planning Commission.

<i>Pre-Application Meeting</i>	
03/18/13	Staff and the applicant's representative discussed requirements for submittal of a signage design review application for the Downtown Design Review Committee. The attendees were informed that the proposed sign did not meet the zoning code requirements for projecting signs and that the proposed illumination and animation did not meet minimum Scenic Byway standards. Therefore, a variance and waiver would need to be requested, and both would require separate public hearings.

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

<i>Field Check</i>	
04/03/13	An existing freestanding sign that was constructed prior to the designation of Las Vegas Boulevard as a National Scenic Byway is located just south of the existing Pawn Shop. The west elevations of the connected buildings contain nine existing wall signs. The proposed sign would be located above a roll-up door that protects a secondary storefront and would hang over the public sidewalk.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16 (parcel applicable to Variance request); 0.63 (site property)

Staff Report Page Four
May 14, 2013 - Planning Commission Meeting

<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	Pawn Shop	C (Commercial)	C-2 (General Commercial)
North	Parking Facility	C (Commercial)	C-2 (General Commercial)
South	Bailbond Service	MXU (Mixed Use)	C-2 (General Commercial)
East	Office, Other than Listed	C (Commercial)	C-1 (Limited Commercial)
West	Office, Other than Listed	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District	Y
Live/Work Overlay District	N/A
Las Vegas Boulevard Scenic Byway Overlay District	N
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Scenic Byway Trail)	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Projecting Signs</i>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Other	Cannot be located on same property as a freestanding sign	Existing freestanding sign on property	N

Staff Report Page Five
May 14, 2013 - Planning Commission Meeting

ANALYSIS

The proposed sign's intended purpose is to attract customers to a separate entrance (currently protected by a roll up door) who wish to do business with the pawn shop but want to avoid the wait times associated with filming of the popular television series that takes place on the property. The existing freestanding sign advertising the property is located on the opposite side of this entrance. Title 19.08.120 only allows projecting signs if a freestanding sign is not already on the property. "Property" is defined by Title 19.18 as "a lot, parcel or tract of land together with the building and structures located thereon." Although the site consists of three separate parcels, the property includes the building and the parking area together; thus, the proposed projecting sign would be on the same property as the existing freestanding sign. As a different type of sign other than a projecting sign (for example, a roof sign) could be designed to meet Title 19 standards, staff recommends approval of the request.

The subject site is located within the Downtown Centennial Plan Overlay District and the Las Vegas Scenic Byway Overlay District, which requires Downtown Design Review Committee (DDRC) approval of all new signage. The proposed sign design was approved by the DDRC on condition that flashing bulbs be incorporated around the full perimeter of the sign. The sign would encroach into the Las Vegas Boulevard right-of-way. An encroachment agreement must be approved by the City Council prior to installation of any new signage; this is addressed in the design approval by the DDRC.

FINDINGS (VAR-48762)

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."

Staff Report Page Six
May 14, 2013 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a projecting sign where a freestanding sign already exists on the same property. Proposal of a different sign type 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 34

NOTICES MAILED 338

APPROVALS 1

PROTESTS 1