



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: ELITE MEDIA - OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-55028	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAR-55028 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-55029) shall be required, if approved.
2. Conformance to the approved conditions for Special Use Permit (SUP-49534).
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

In 2013, the Planning Commission approved a Special Use Permit (SUP-49534) for a 75-foot tall Off-Premise sign at 3100 Stewart Avenue. The applicant is requesting to amend the previously approved Off-Premise Sign and raise the height to 92 feet where a maximum height of 75 feet is allowed. A Variance is required to raise the overall height beyond 75 feet. The existing 75-foot tall Off-Premise Sign is located adjacent to an elevated freeway and its accompanying 20-foot tall sound attenuation wall. The additional height is necessary to achieve full sign visibility from the freeway; therefore, staff supports the request. If denied, the existing 75-foot tall Off-Premise Sign would not be allowed to increase in overall height.

ISSUES

- The applicant is requesting an overall height of 92-feet for the Off-Premise Sign; therefore, a Variance is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/15/64	The City Council approved Rezoning (Z-0024-64) from R-1 (Single Family Residential) and R-3 (Medium Density Residential) to C-V (Civic) for property located on the northeast corner of Mohave Road and Stewart Avenue.
11/04/81	The City Council approved Site Development Plan Review (CV-0002-81) for an adult misdemeanor detention facility on the northeast corner of Mohave Road and Stewart Avenue. The Planning Commission and staff recommended approval.
11/07/90	The City Council approved a Special Use Permit (U-0017-89) for the expansion of an existing detention facility on the northeast corner of Mohave Road and Stewart Avenue. The Planning Commission and staff recommended approval.
07/09/13	The Planning Commission approved a Special Use Permit (SUP-49534) for an Off-Premise Sign at 3100 Stewart Avenue. Staff recommended approval.
07/24/14	Staff administratively approved a minor amendment (SUP-55029) of a previously approved Special Use Permit (SUP-49534) to increase the height of an existing Off-Premise Sign by less than 50% of the original approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/12/14	The Planning Commission is scheduled to hear a request for a Special Use Permit (SUP-54828) for an Off-Premise Sign at 3100 Stewart Avenue. An associated Variance (VAR-55026) will also be heard to allow an overall height of 92 feet where 75 feet is the maximum height allowed.
	The Planning Commission is scheduled to hear a request for a Special Use Permit (SUP-54829) for an Off-Premise Sign at 3100 Stewart Avenue. An associated Variance (VAR-55027) will also be heard to allow an overall height of 92 feet where 75 feet is the maximum height allowed.

<i>Most Recent Change of Ownership</i>	
Circa 1954	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/12/13	A building permit (#249810) was issued for an off-premise sign at 3100 Stewart Avenue. The permit has not received a final inspection.

<i>Pre-Application Meeting</i>	
01/16/13	Staff met with the applicant and reviewed the requirements for a Variance application.

<i>Neighborhood Meeting</i>	
No neighborhood meeting was required nor was one held.	

<i>Field Check</i>	
06/03/13	Staff visited the site and found a well maintained City property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	11.69

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<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	City Detention Center	PF (Public Facilities)	C-V (Civic)
North	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way
South	School	PF (Public Facilities)	C-V (Civic)
	Warehouse	LI/R (Light Industrial/Research)	M (Industrial)
	Undeveloped	LI/R (Light Industrial/Research)	M (Industrial)
East	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way
West	Undeveloped	M (Industrial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
C-V (Civic) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Mohave Road	Primary Arterial	Master Plan of Streets and Highways	100	Y
Stewart Avenue	Primary Arterial	Master Plan of Streets and Highways	100	Y
U.S. 95	Freeway	Master Plan of Streets and Highways	200	Y

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Standards	Previously Approved (SUP-49534)	Proposed	Compliance
Location	The sign is not in public right-of-way, nor is it in the Off-Premise Exclusionary Sign Zone	The sign is not in public right-of-way, nor is it in the Off-Premise Exclusionary Sign Zone	Y
Zoning	The sign is located in a C-V (Civic) zoning district, which is controlled by the City of Las Vegas.	The sign is located in a C-V (Civic) zoning district and is controlled by the City of Las Vegas.	Y
Area	The sign is 672 square feet in size and has a 60-foot embellishment.	The sign is 672 square feet in size and has a 60-foot embellishment.	Y
Height	The sign is 75 feet tall and adjacent to an elevated freeway.	The sign is 92 feet tall and adjacent to an elevated freeway.	N
Screening	All structural elements of the sign are screened from public view.	All structural elements of the sign are screened from public view.	Y
Off-Premise Sign	The sign is more than 3500 feet from another Off-Premise Sign.	The sign is more than 3500 feet from another Off-Premise Sign.	Y
Off-Premise Sign	The sign is more than 400 feet from any property line zoned either "R" or "U."	Sign is more than 400 feet from any property line zoned either "R" or "U."	Y
Other	The sign is permanently attached to the ground and detached from any other structures.	Sign is permanently attached to the ground and detached from any other structures.	Y

ANALYSIS

In 2013, the Planning Commission approved a Special Use Permit (SUP-49534) for a 75-foot tall Off-Premise sign at 3100 Stewart Avenue. The applicant is requesting to amend the previously approved Off-Premise Sign and raise the height to 92 feet where a maximum height of 75 feet is allowed. A Variance is required to raise the overall height beyond 75 feet. The existing 75-foot tall Off-Premise Sign is located adjacent to an elevated freeway and its accompanying 20-foot tall sound attenuation wall. The additional height is necessary to achieve full sign visibility from the freeway. Title 19 allows for Off-Premise signs to increase in height by up to 40 feet when adjacent to an elevated freeway. The intent of the regulation is to allow for greater sign visibility. The existing 20-foot tall sound attenuation wall is taller than typical sound walls found throughout the Las Vegas Valley. As a result, the allowance to increase the sign height by up to

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40 feet is not sufficient enough to improve visibility at the subject site. Staff supports the request to increase the existing Off-Premise Sign to 92 feet, as doing so maintains the original intent of Title 19, which is to improve overall visibility when signs are adjacent to elevated freeways.

FINDINGS (VAR-55028)

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 applicant has provided evidence of a unique or extraordinary circumstance, in that the existing elevated freeway located to the north of the subject site contains a 20-foot tall sound attenuation wall. The request to construct a 92-foot tall Off-Premise Sign is necessary to obtain full visibility over the existing sound wall. In view of this hardship imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

45

NOTICES MAILED

220

APPROVALS

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PROTESTS

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