



City of Las Vegas

Agenda Item No.: 27.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: AUGUST 12, 2014**

**DEPARTMENT: PLANNING
DIRECTOR: FLINN RAGG**

☐ Consent ☒ Discussion

SUBJECT: WVR-54398 - WAIVER - PUBLIC HEARING - APPLICANT: WOLF T.H., LLC - OWNER: JAMES R. WATKINS - For possible action on a request for a Waiver of the Town Center Sign Standards to ALLOW A PYLON SIGN TO ADVERTISE ONE TENANT WHERE MULTIPLE TENANTS ARE REQUIRED AND TO ALLOW A 73 FOOT TALL FLAG POLE WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED on 1.50 acres at 6775 North Durango Drive (a portion of APN 125-20-301-027) T-C (Town Center) Zone [GC-TC (General Commercial - Town Center) Special Land Use Designation] Ward 6 (Ross) [PRJ-53401]. Staff recommends DENIAL.

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - WVR-54398 and WVR-54400 [PRJ-53401]
2. Conditions and Staff Report - WVR-54398 and WVR-54400 [PRJ-53401]
3. Supporting Documentation - WVR-54398 and WVR-54400 [PRJ-53401]
4. Photos - WVR-54398 and WVR-54400 [PRJ-53401]
5. Justification Letter - WVR-54398 and WVR-54400 [PRJ-53401]
6. Support Postcard - WVR-54398 and WVR-54400 [PRJ-53401]
7. E Comment Received in Opposition
8. Submitted after Final Agenda - Protest/Support Postcards for WVR-54398 and WVR-54400

Motion made by TODD L. MOODY to Approve subject to conditions and adding the following condition as read for the record: A. An administrative Review of the flag pole shall occur within one year.

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, GUS FLANGAS, TODD L. MOODY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICHARD TRUESDELL, RICHARD P. BONAR)

Minutes:

CHAIR FLANGAS declared the Public Hearing open for Items 27 and 28.

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PETER LOWENSTEIN, Planning Supervisor, indicated that the purpose of standardized streetscapes within a special area plan is to create a sense of place through the establishment of a strong identity and character. Adjacent developments along Durango Drive have complied with the Town Center Streetscape Standards and as a result have begun to identify themselves from the undefined spaces around them. The proposed parking lot and streetscape revisions to the previously approved landscape plan fail to comply with the standards found within the Town Center Development Standards Manual and will detract from the Town Center identity. Additionally, the applicant is requesting a waiver of the Town Center Standards to allow a pylon sign for the sole purpose of the convenience store/gas station and to allow a flag pole to be 45 percent taller than the allowable 40-foot requirement. Therefore, staff recommended denial of both applications.

ATTORNEY CHRIS KAEMPFER and GREG BORGEL were present. ATTORNEY KAEMPFER indicated that he spoke with COUNCILMAN ROSS, who did not support this project at this location, but it was approved and now the Councilman wants this project to be successful. The waivers are designed to make the project successful in the best way possible. ATTORNEY KAEMPFER added that the Councilman requested amendments to conditions.

MR. BORGEL explained that the proposed ARCO sign is 24 feet, serve more than one commercial activity within the overall center. At this point there is only one commercial activity in the center; the waiver is to only advertise one tenant on the property. With respect to the flag pole, the city code allows the flag to be 40 feet above and abutting the freeway. This flag is 40 feet above but it does not meet the agency's standards because there is a vacant parcel in-between. COUNCILMAN ROSS is aware of similar projects done by the same developer and believes it is appropriate. MR. BORGEL pointed out that this is a transitional area where the plan applies in one case, whereas across the street it does not apply. With regard to the single purpose sign, they believe that a competitor down the street in a different technical area has been allowed two 24 foot single purpose signs.

Regarding the landscaping, MR. BORGEL indicated that Condition 4 is acceptable, but they have been negotiating with the Councilman's office and asked that Condition 4 state that from the Town Center Development Standards Section C is hereby approved to allow 18 feet Mexican Fan Palms alternating with 36" Rio Grande Ash trees along street frontages.

PETER JANNEY, Las Vegas resident, is concerned about lowering the standards along Durango Drive and it would set a precedent for other developers to reduce the landscaping and waivers should not be allowed. MR. JANNEY indicated that the pylon sign having one-foot setback is not adequate because it will block the view for people coming down Deer Springs Way to turn onto Durango Drive. Regarding the flag pole, he opined that it will be taller and out of proportion for this location.

COMMISSIONER MOODY stated the single tenant sign makes sense and he loves the tall flag poles. He asked what the applicant intends to do with the flag, such as how long the flag would be flown. Regarding the one-foot setback, MR. BORGEL explained that this occurs only

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because of the excess 54 foot radius at the corner of these two section line roads; the setback from the road would be ample. Addressing the landscaping concern, MR. BORGEL replied that the amended condition brings into conformance with the rest of Durango Drive frontage. Regarding the flag pole, the applicant will use two flags; a large flag for calm days and a smaller flag for windy days. This will eliminate flapping noises and protect the expensive flag. Additionally, the flag will rise with an internal mechanism to avoid clanking against the pole, and will be located far to the south, away from residences. The flag will be up 24 hours a day and lighted in accordance with the national standards, except when it rains.

COMMISSIONER MOODY requested that an administrative review be imposed to make sure residents do not have complaints with the flag pole. FLINN, AGG, Planning Director, supported the administrative review to verify the applicant complies with the conditions. He clarified for ATTORNEY KAEMPFER that if no issues are found then staff administratively approves that review. If any issues arise, then the item will be brought back for a public hearing.

Regarding Item 28, COMMISSIONER SCHLOTTMAN asked why they are seeking a waiver when it seems they are providing ten trees. MR. BORGEL responded that they did not seek the waiver, but staff determined that it would be required. They were required to move one tree because of the fire department requirement to create separation from the LPG dispenser and nine trees remained. MR. FLINN explained that while they have the correct number of trees, there is an area where they do not have adequate trees, thus the need for the waiver.

COMMISSIONER SCHLOTTMAN asked what happens if the flag is left outside on a windy night. He opined that conditions were imposed and should be adhered to but it becomes frustrating when they are not. ASSISTANT CITY ATTORNEY BRYAN SCOTT advised that if the Commission believes the flag would be a problem, then the waiver should not be granted. Code Enforcement will determine if the flag is flying on a windy day or if it is properly lit, but the neighbors would have to file a complaint. It would depend on the neighbors to make a complaint. The administrative review brings it back before staff, but he is not sure what can be done once it has been built.

COMMISSIONER SCHLOTTMAN stated that if the decision the Commission makes does not have teeth and the City Attorney and the Code Enforcement cannot hold the applicant to these conditions, then there are internal issues. ASSISTANT CITY ATTORNEY SCOTT remarked that it is not a question of internal issue but the fact that it is nighttime, raining and windy and that Code Enforcement cannot be out there 24/7; staff will have to rely on the applicant to adhere to what they agreed.

CHAIR FLANGAS declared the Public Hearing closed for Items 27 and 28.