



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 9, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: KHANEH HOLDINGS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-47835	Staff recommends DENIAL, if approved subject to conditions:	
SUP-47834	Staff recommends DENIAL, if approved subject to conditions:	VAR-47835

** CONDITIONS **

VAR-47835 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-47834).
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.

SUP-47834 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Off-Premise Sign use, except as modified herein.
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. This Special Use Permit shall be reviewed in 3 year(s), at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.
6. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.
7. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
8. Only one advertising sign is permitted per sign face.
9. If the Off-Premise Sign is voluntarily demolished, this Special Use Permit and related Variance (VAR-47835) 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.
10. 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 an approved 20 x 32-foot LED wall sign on the east elevation of an office building at 5550 Painted Mirage Road to be converted to an Off-Premise Sign. Per code, all Off-Premise Signs shall be freestanding and firmly attached to the ground. Since the proposed Off-Premise Sign is attached to the building, a variance is required. Staff recommends denial of the request, since it does not meet minimum standards for such a use.

ISSUES

- A Variance is required to allow an Off-Premise Sign to be attached to a building, as the code requirement is for it to be freestanding and attached to the ground. Staff does not support this request.
- A Special Use Permit is required for an Off-Premise Sign to be located in a C-2 (General Commercial) district. Staff does not support this request due to the related Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/20/64	The City Council approved the annexation of 10,136 acres of property in the northwest part of the Las Vegas Valley, including the subject site (A-0003-64). The effective date of the annexation was 05/29/64.
10/16/96	The City Council approved a request for a Rezoning (Z-0097-96) from R-E (Residence Estates) to C-2 (General Commercial) on 8.2 acres adjacent to the southwest corner of U.S. 95 and Ann Road. The Planning Commission and staff recommended approval.
12/08/97	The City Council approved an Extension of Time [Z-0097-96(1)] for the subject site, and removed the time limit so that further extensions would be unnecessary. The Planning Commission and staff recommended approval.
12/05/02	The Planning Commission approved Site Development Plan Review (SDR-1199) for a five-story office/retail building on 8.14 acres adjacent to the southwest corner of U.S. 95 and Ann Road. Staff recommended approval.
11/17/05	The Planning Commission approved a Master Sign Plan (MSP-9591) for an office/retail building on 8.14 acres adjacent to the southwest corner of U.S. 95 and Ann Road. Staff recommended approval.

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11/15/12	Planning Department staff Administratively approved a Master Sign Plan (MSP-47179) for the addition of an electronic wall sign at 5550 Painted Mirage Road. The sign has not been installed at this time.
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<i>Most Recent Change of Ownership</i>	
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09/30/10	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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10/12/07	The Building and Safety Department issued a Certificate of Occupancy (#99832) for the Centennial Corporate Center at 5550 Painted Mirage Road.
10/17/07	There have been numerous sign permits issued since this project was completed in conformance with the Master Sign Plan (MSP-9591).

<i>Pre-Application Meeting</i>	
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12/10/12	Staff met with the applicant and provided the information for an Off-Premise Sign at 5550 Painted Mirage Road. This is the wall sign that was recently approved for the east elevation of the office tower building. It requires a Variance to allow such a sign to be attached to the building and a Special Use Permit.
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<i>Neighborhood Meeting</i>	
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No neighborhood meeting was required, nor was one held.	
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<i>Field Check</i>	
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01/02/13	Staff visited the site and found the office building to be adjacent to the U.S. 95 Freeway, which is substantially elevated from the natural grade. A temporary banner sign is located where the proposed Off-Premise Sign is to be located. The overall property was well maintained and free of trash and debris.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Net Acres	8.14
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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	Office/General Retail	GC (General Commercial)	C-2 (General Commercial)
North	General Retail	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
South	Apartments	ML (Medium Low Density Residential)	R-PD5 (Residential-Planned Development, 5 units per acre)
East	U.S. 95	U.S. 95	U.S. 95
West	Tennis Courts	GC (General Commercial)	R-PD5 (Residential-Planned Development, 5 units per acre)
	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD5 (Residential-Planned Development, 5 units per acre)

<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>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
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>
Ann Road	Primary Arterial	Master Plan of Streets and Highways Map/ Town Center Development Standards Manual	100	Y

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U.S. 95	Freeway	Master Plan of Streets and Highways Map	N/A	N/A
Painted Mirage Road	N/A	N/A	80	N/A

Standards	Code Requirements	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	The sign is not in public right-of-way, nor is it in the Off-Premise Exclusionary Sign Zone	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	The sign is located in an C-2 (General Commercial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	The sign is 630 square feet in size and has no embellishments.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to be 30 feet above an adjacent elevated freeway.	The sign is 76 feet tall. Height is permitted due to the adjacent elevated freeway.	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	All structural elements of the sign are screened from public view.	Y
Off-Premise Sign	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	The sign is more than 850 feet from another Off-Premise Sign (not along U.S. 95).	Y

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Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any “R” or U” zoned districts.	Sign is more than 300 feet from any property line zoned either “R” or “U.”	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently attached to a building and is located on property zoned C-2 (General Commercial)	N

ANALYSIS

The applicant is proposing to convert an approved wall sign into an Off-Premise Sign. The Off-Premise Sign use is defined as “Off-premise signs are to be considered primarily a specific type of land use rather than as an incidental use to an existing land use. Off-premise signs generally produce revenue to the property owner(s) as a land use as compared to on-premise signs which in themselves do not produce revenue but are incidental to revenue producing land use. However, because of the special characteristics of off-premise signs as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with off-premise signs as a permitted use in certain zoning districts.” The proposed use meets the definition as described in the applicant’s justification letter.

The sign is not freestanding and firmly attached to the ground. This requires a Variance. All other minimum Special Use Permit requirements are being met. The intent of the code requirement is to not allow Off-Premise Signs to be attached to buildings, which would distract from the aesthetics of the architecture. For this reason, staff recommends denial of both applications.

FINDINGS (VAR-47835)

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.”

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to attach an Off-Premise Sign to the side of a building. Alternatively, the proposed Off-Premise Sign could be installed as a freestanding sign which 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.

FINDINGS (SUP-47834)

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 cannot be conducted in a manner that is harmonious and compatible with the existing site due to the Variance request to allow an Off-Premise Sign to be attached to the façade of a building.

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

The C-2 (General Commercial) zoned site is suitable for the proposed use.

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.

Site access is provided from Painted Mirage Road, 70-foot Local Street and is adequate in size to accommodate the proposed Off-Premise Sign use.

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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.

Approval of the proposed Special Use Permit will not be inconsistent with or compromise the public health, safety and general welfare as the use will be subject to regular inspections for business licensing.

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

The proposed Off-Premise Sign use does not comply with the minimum Special Use Permit requirements. The proposed use is not freestanding and firmly attached to the ground. A variance has been requested from this requirement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

64

NOTICES MAILED

314

APPROVALS

1

PROTESTS

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