



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: AURA OUTDOOR, LLC - OWNER: KERMIT L AND JAN L WATERS

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0636-SDR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 931

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0636-SDR1 CONDITIONS

Planning

1. The subject of this application is considered a legal, nonconforming use pursuant to LVMC 19.14.030(D) and as provided herein:
 - a. Demolition of Existing Off-Premise Sign. Upon demolition of the current Off-Premise Sign, for the applicant to continue this legal nonconforming use, a final inspection for the reconstructed Off-Premise Sign shall be approved no later than 90 calendar days following issuance of a building permit for demolition of the existing Off-Premise Sign, or this approval is void. LVMC 19.14.030(D)(2) does not allow for an extension of this 90 calendar day period for reconstruction.
 - b. Status Quo. If no permit for demolition of the existing off-premise sign is issued, an Extension of Time may be filed for consideration by the City of Las Vegas no later than two years from the date of final approval of this Site Development Plan Review.
2. All development shall be in conformance with the site plan and building elevations, date stamped 12/05/24, except as amended by conditions herein.
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 Building and Safety Division.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to replace the static faces of an existing 672 square-foot, 50-foot tall, nonconforming Off-Premise Sign at 438 East Sahara Avenue with digital faces. To support the proposed digital panels, the applicant is requesting to replace the existing two-pole "V" structure with a single-pole center-mount structure to be set back approximately seven feet from the east property line. The existing height and panel area would remain the same after reconstruction.

ISSUES

- Pursuant to Title 19.12.120.G.4 a Site Development Plan Review is required for proposed structural modifications to an off-premise sign, including the addition of digital displays. As the sign is located more than 660 feet from a state-designated freeway, a public hearing is required.
- A condition of approval will require the proposed sign to be erected and a final inspection completed within 90 days of the issuance of a building permit for demolition of the existing Off-Premise Sign in order to maintain its legal nonconforming status.

ANALYSIS

The site is zoned C-1 (Limited Commercial) with a TOC-2 (Transit Oriented Corridor - Low) General Plan designation and is located in the Redevelopment Area along the Sahara Avenue commercial corridor.

The existing sign was constructed prior to the Title 19 requirement for a Special Use Permit, and is also nonconforming with respect to maximum height (50 feet where 40 is now the maximum height allowed) and separation distance from residentially zoned property (50 feet from property zoned R-2 [Medium-Low Density Residential] where 300 feet is required). A permit for the sign was issued May 27, 1969, which was finalized on September 16, 1969.

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Per Title 19.12.120.G the Director of Community Development may grant approval of a structural modification to allow a digital display if the off-premise sign is within 660 feet of any highway classified by the State of Nevada as part of the interstate or primary highway system. As the proposed sign structural modification is not within 660 feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, it cannot be reviewed by means of a Minor Site Development Plan Review. Per this code section, the nonconforming status of the off-premise sign would not be affected; however, the structural changes must be made within a 90-day grace period from the time of sign demolition to maintain nonconforming status per Title 19.14.030.D.

The north side of Sahara Avenue consists primarily of commercial or multi-family residential uses with 90 to 160-foot deep lots. These commercial properties back up to single-family, two-family and multi-family residential development to the north. The sign will continue to be oriented toward Sahara Avenue away from residential properties to the north. Digital displays for Off-Premise signs are regulated by NAC 410.350 with regard to brightness and transitions between messages to promote safety and mitigate possible negative effects to the surrounding area.

Staff recommends approval of this Site Development Plan Review request, as the Off-Premise Sign use remains compatible with the surrounding area, and the new structure would modernize and enhance the aesthetics of the sign. The sign area and height would not increase as a result of approval. If denied, no permits for a new off-premise sign structure or digital panels could be issued.

FINDINGS (24-0636-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed Off-Premise sign will continue to be oriented toward the Sahara Avenue commercial corridor and away from adjacent residential properties to the north. The structural pole would be located between two buildings and would not require the movement of any other existing structure or displace any existing parking spaces. Brightness of digital display is limited by Nevada Administrative Code.

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- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The sign is nonconforming with regard to maximum height and distance separation from R-2 zoned property, but may continue as a nonconforming use of land if reconstructed within 90 days of removal.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Construction of the replacement sign will be located outside of the public right-of-way, will not impede existing access to the site from Sahara Avenue and will not affect traffic in this area.

- 4. Building and landscape materials are appropriate for the area and for the City;**

Materials for the sign are typical of freestanding billboards in the Las Vegas Valley.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The submitted elevations show a center-mounted single pole structure with two digital panels that create an aesthetically pleasing environment.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Development will be subject to permit review and inspection, thereby protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/19/69	The City Council approved a request for a Rezoning (Z-0001-69) from P-R (Professional Office) to C-1 (Limited Commercial) generally located on the north side of Sahara Avenue between Santa Rita Drive and Santa Rosa Drive. The Planning Commission recommended approval.
06/02/21	The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas. The Planning Commission and staff recommended approval.
12/14/22	Code Enforcement processed a Case (CE22-06799) to investigate complaints of noise, as well as occupancy without a permit or license at 438 East Sahara Avenue. The case was resolved 02/13/23.
10/30/24	Code Enforcement processed a Case (CE24-08509) for investigation of fires and vagrancy in and outside of a commercial building at 438 East Sahara Avenue. The case has not been resolved.

<i>Most Recent Change of Ownership</i>	
08/11/86	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/27/69	A building permit (#47905) was issued for an off-premise sign at 438 East Sahara Avenue. The permit was finalized on 09/16/69.

<i>Pre-Application Meeting</i>	
12/02/24	A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review application.

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

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Field Check	
01/06/25	The subject V-style sign is located between two commercial buildings and is held up by two metal I-beam posts, one of which is located behind a chain link fence/gate. The sign faces appeared to be in good condition, with no bird droppings present on or near the sign. The sign does not face residential properties.

Details of Application Request	
Site Area	
Net Acres	0.16

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Off-Premise Sign Office, Other than Listed	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)
North	Residential, Two-Family Dwelling	TOC-2 (Transit Oriented Corridor - Low)	R-2 (Medium-Low Density Residential)
South	Residential, Multi-Family	EM (Entertainment Mixed-Use) - Clark County	CR (Commercial Resort) - Clark County
East	General Personal Service	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)
West	Cannabis Dispensary [ancillary parking lot]	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	Y
Beverly Green/Southridge Neighborhood Plan	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.12.120, the following standards apply:

<i>Standards</i>	<i>Code Requirements</i>	<i>Provided</i>	<i>Compliance</i>
Location	No off-premise sign may be located within public right-of-way (ROW).	Not in public ROW; Not located within the Off-Premise Sign Exclusionary Zone.	Y
Zoning	Permitted only in the C-1, C-2, C-M and M zoning districts, except permitted in the C-V district if the parcel is operated or controlled by an agency of local, state or federal government.	Located in the C-1 (Limited Commercial) zoning district.	Y
Setback	Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	Not adjacent to freeway. Set back approximately 215 feet from intersection of Sahara Ave and Santa Rita Dr	Y

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Standards	Code Requirements	Provided	Compliance
Area	No off-premise sign shall have a surface area greater than 672 SF, except that an embellishment 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.	Each display face contains 672 SF. No embellishment above the sign.	Y
Height	No taller than 40 feet from grade at the point of construction; may be raised a maximum of 30 feet above an adjacent elevated freeway or to 55 feet if a significant portion of the display surface is obscured from view from the travel lanes of the freeway.	50 feet from grade to top of the sign.	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
Distance Separation	At least 750 feet to another off-premise sign along freeway frontage or at least 300 feet to another off-premise Sign (if not freeway)	Not oriented to freeway Approx. 320 feet from the nearest off-premise sign	Y
	At least 300 feet to the nearest property line of a lot in any "R" or "U" zoned districts.	Approx. 50 feet from properties zoned R-2	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 the ground, detached from any other structures and located on property with only commercial uses.	Y

*The subject off-premise sign was legally permitted with a height of 50 feet at the time it was constructed.

**The subject off-premise sign was legally permitted and erected prior to the current requirement for a 300-foot distance separation between an off-premise sign and any "R" prefixed property.