

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: NOVEMBER 16, 2022
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: SKY HI, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0485-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
22-0485-SDR1	Staff recommends DENIAL, if approved subject to conditions:	22-0485-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 312 (by City Clerk)

PROTESTS 13

APPROVALS 0

**** CONDITIONS ****

22-0485-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow 722 square feet of sign area facing the Sky Pointe Drive and U.S. 95 frontage where 600 feet is allowed.
2. A Variance is hereby approved to allow a wall sign (Sign G) to extend five feet above the building parapet where 12 inches is allowed.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (22-0485-SDR1) shall be required, if approved.
4. Conformance to the approved conditions for Rezoning (ZON-14680) and Site Development Plan Review [U-0068-95(5)] as amended by Site Development Plan Review (21-0079-SDR1).
5. 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.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0485-SDR1 CONDITIONS

Planning

1. Conformance to Title 19.08.120 standards regarding Animated Signs Containing a Changeable Electronic Message.
2. Approval of and conformance to the Conditions of Approval for Variance (22-0485-VAR1) shall be required, if approved.
3. Conformance to the Conditions of Approval for approved Site Development Plan Review [U-0068-95(5)] as amended by approved Site Development Plan Review (21-0079-SDR1), except as amended herein.
4. 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.
5. All development shall be in conformance with the site plan and sign elevations date stamped 08/22/22, except as amended by conditions herein.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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 seeking to obtain building permits for new signage at an approved cannabis dispensary and tavern at 6050 Sky Pointe Drive. The permit package includes numerous wall signs, as well as a roof sign and a new freestanding sign. Several aspects of the proposed signage are out of conformance with Title 19 sign standards.

ISSUES

- A Variance is requested to allow a total of 722 square feet of existing and proposed freestanding sign area along Sky Pointe Drive where 600 square feet is allowed and to allow a wall sign to extend five feet above the roofline where 12 inches is the maximum allowed. Staff recommends denial.
- When a freestanding sign is proposed within 200 feet of the right-of-way of a freeway, the sign may be allowed a height up to 80 feet with City Council approval of a Site Development Plan Review after review by the Planning Commission. Accordingly, a Site Development Plan Review is requested to allow a height of 69 feet for a freestanding sign (Sign A) proposed 72 feet from the northbound U.S. 95 right-of-way.
- A 10-foot tall “illuminated cube” is proposed atop the existing 42-foot tall building tower structure. It contains no commercial message, but can emit varied colored lights. It is proposed as part of the Site Development Plan Review request.
- If the Variance is approved, a condition is added to ensure compliance with animated sign standards.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and is subject to the sign requirements for C-1 zoned properties in Title 19.08.120. The site is part of a commercial subdivision consisting of two parcels at the northeast corner of Ranch House Road and Sky Pointe Drive. An existing building is located on both parcels. The north side contains the approved cannabis dispensary and existing tavern; the south side contains an existing convenience store with fuel pumps and canopy.

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An existing 175 square-foot freestanding sign (labeled on the site plan as Sign K) is located on the north side of the property. The applicant is proposing a second freestanding sign (Sign A) that contains a total of 965 square feet; 547 square feet face Sky Pointe and U.S. 95 and the remaining 418 square feet face Ranch House Road. Together, the existing and proposed signs exceed the maximum allowed sign area along Sky Pointe Drive, requiring a variance. The applicant had initially sought to combine the sign areas along both frontages into a consolidated sign; however, Title 19.08.120 only permits a consolidated sign on a site of five acres or more that fronts on a street of 80 feet or wider. The commercial subdivision is 1.46 acres in size and fronts on a 67-foot wide Frontage Road and 60-foot Minor Collector street. A consolidated sign would also have exceeded the maximum allowed sign area. The applicant intends to construct Sign A as part of a second sign phase, ultimately removing the existing freestanding sign displaying gasoline prices at the corner.

Sign A is located approximately 72 feet from the northbound right-of-way of U.S. 95. Title 19.08.120 allows freestanding signs within 200 feet of a freeway to have a maximum height of 80 feet as part of a Site Development Plan Review. Sign A is 69 feet tall and includes a 24-foot tall, 480 square-foot animated LED display that is proposed to face U.S. 95. Approximately 420 square feet of the sign is proposed to face Ranch House Road. The surface of U.S. 95 is not elevated adjacent to this site. Moreover, the site is surrounded on the other three sides by a single-family residential development zoned R-PD7 (Residential Planned Development - 7 Units per Acre). Although the animated LED display is intended to face U.S. 95 and meets Residential Protection Standards, the height proposed is not compatible with the adjacent residential development. Staff recommends denial. If approved, a condition is added to ensure compliance with animated sign standards.

Other signs that are proposed for this site include six internally illuminated LED wall signs on the west elevation of the building. All are in conformance with Title 19 requirements except Sign G (leaf logo), which extends approximately five feet above the building parapet where one foot is the maximum allowed. The leaf design is part of the dispensary logo and conveys a commercial message, and therefore is considered signage subject to zoning review. The building previously contained a decorative scone that also extended above the parapet; however, this was not considered to convey commercial message. As the hardship is self-imposed, staff recommends denial of the required Variance.

Various areas of the building are proposed to contain accent lighting. A strip of neon tubing is proposed along the roofline, and painted artistic designs will be illuminated by downward directed LED wall wash lighting. In addition, a 10-foot tall frosted plastic “cube” is proposed to be affixed to the tower element of the building, extending the height from 42 feet to 52 feet. None of these lighting proposals convey a commercial message and therefore are not considered signs subject to zoning requirements.

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FINDINGS (22-0485-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a larger combined sign area along Sky Pointe Drive than is permitted by Title 19. Reducing the area of proposed Sign A would allow conformance to the Title 19 requirements. In addition, the applicant is proposing to extend a wall sign approximately five feet above the building parapet where one foot is allowed by Title 19. 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 (22-0485-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;**

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There are two aspects of the site under review: a proposed 69-foot tall freestanding sign and a proposed 10-foot tall plastic structure to be used for decorative lighting. The sign is not compatible with the adjacent single-family residential development at this height, but would be acceptable at 40 feet. The plastic “cube” structure would serve as an attention-getting device that also is incompatible with the adjacent residential development.

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

The proposed 69-foot sign height is allowed by Title 19 at the discretion of the City Council and Planning Commission, as it is located near a freeway right-of-way. The plastic lighted structure is consistent with Title 19.08 requirements, as the C-1 zoning district has no height limitation and the building is not subject to residential adjacency standards.

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

Site access and circulation were determined through Site Development Plan Review (21-0079-SDR1) to not negatively impact traffic in this area. They were not reviewed as part of this Site Development Plan Review.

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

The various components of the proposed freestanding sign are appropriate for this area.

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 proposed sign elevations have an eye-catching design and create an orderly environment; however, due to the sign’s height and size, the elevations are not harmonious and compatible with the adjacent development.

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

The proposed sign and building decoration are subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/20/99	Department of Planning Staff administratively approved a Site Development Plan Review [U-0068-95(5)] for a proposed 5,833 square-foot restaurant with tavern and 3,546 square-foot convenience store development at the northwest corner of Sky Pointe Drive and Ranch House Road.
09/06/06	The City Council approved a request for a Rezoning (ZON-14680) from C-2 (General Commercial) to C-1 (Limited Commercial) on 1.46 acres at 6000 and 6050 Sky Pointe Drive. The Planning Commission and staff recommended approval.
06/16/21	The City Council approved a request for a Special Use Permit (21-0079-SUP1) for a proposed 3,168 square-foot Cannabis Dispensary use at 6050 Sky Pointe Drive. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Special Use Permit (21-0079-SUP2) for a Major Amendment to an approved Special Use Permit (U-0068-95) for a proposed 1,979 square-foot reduction of an existing Liquor Establishment (Tavern) use at 6050 Sky Pointe Drive. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Special Use Permit (21-0079-SUP3) for a proposed alternative parking standard to allow 64 parking spaces where 92 are required at 6000 and 6050 Sky Pointe Drive. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Special Use Permit (21-0079-SUP4) for a proposed Drive-Through use at 6000 and 6050 Sky Pointe Drive. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (21-0079-SDR1) for a Major Amendment of an approved Site Development Plan Review [U-0068-95(5)] for a proposed 1,189 square-foot building addition with a drive-through at 6000 and 6050 Sky Pointe Drive. The Planning Commission and staff recommended denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/11/22	<p>The Planning Commission voted (4-2-1) to DENY the following Land Use Entitlement project requests on 0.79 acres at 6050 Sky Pointe Drive (APN 125-27-223-002), C-1 (Limited Commercial) Zone, Ward 6 (Fiore).</p> <p>22-0485-VAR1 - VARIANCE - TO ALLOW A TOTAL OF 745 SQUARE FEET OF PROPOSED AND EXISTING FREESTANDING SIGN AREA ALONG SKY POINTE DRIVE WHERE 600 SQUARE FEET IS ALLOWED</p> <p>22-0485-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 69-FOOT TALL ILLUMINATED, FREESTANDING, ON-PREMISE SIGN AND THE ADDITION OF A PROPOSED 10-FOOT TALL LED ILLUMINATED STRUCTURE TO AN APPROVED 42-FOOT TALL BUILDING STRUCTURE</p>
10/19/22	<p>The Office of the City Clerk received an Appeal of the DENIAL on the following Land Use Entitlement project requests on 0.79 acres at 6050 Sky Pointe Drive (APN 125-27-223-002), C-1 (Limited Commercial) Zone, Ward 6 (Fiore).</p> <p>22-0485-VAR1 - VARIANCE - TO ALLOW A TOTAL OF 745 SQUARE FEET OF PROPOSED AND EXISTING FREESTANDING SIGN AREA ALONG SKY POINTE DRIVE WHERE 600 SQUARE FEET IS ALLOWED</p> <p>22-0485-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 69-FOOT TALL ILLUMINATED, FREESTANDING, ON-PREMISE SIGN AND THE ADDITION OF A PROPOSED 10-FOOT TALL LED ILLUMINATED STRUCTURE TO AN APPROVED 42-FOOT TALL BUILDING STRUCTURE</p>

<i>Most Recent Change of Ownership</i>	
08/10/21	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
Pre-1991	A business license (L16-00123) was issued for a tavern at 6050 Sky Pointe Drive. The license was marked out of business on 04/21/22.
11/06/00	A business license (G01-02002) was issued for restricted gaming at 6050 Sky Pointe Drive. The license was marked out of business on 03/30/22.
08/27/10	A business license (R09-01571) was issued for a restaurant at 6050 Sky Pointe Drive. The license was marked out of business on 03/30/22.
04/30/21	A business license (R09-02481) was issued for a restaurant at 6050 Sky Pointe Drive. The license was marked out of business on 05/05/22.
02/28/22	A building permit (C21-03047) was issued for a tenant improvement and site improvements for a cannabis dispensary at 6050 Sky Pointe Drive, Suite #150. A final inspection has not been approved.
04/28/22	A building permit (C21-03046) was issued for onsite and parking improvements for a cannabis dispensary at 6050 Sky Pointe Drive. A final inspection has not been approved.
08/25/22	A temporary business license (M69-00039) was issued for a privilege license for a retail cannabis store (Jade Cannabis Co.) at 6050 Sky Pointe Drive, Suite #150. The license is active for 90 days and may be renewed.
	A temporary business license (G70-00869) was issued for general retail sales (Jade Cannabis Co.) at 6050 Sky Pointe Drive, Suite #150. The license is active for 90 days and may be renewed.

Pre-Application Meeting	
08/18/22	A pre-application meeting was held with the applicant to determine submittal requirements for applications related to a proposed sign package for an approved cannabis dispensary. It was determined that a Variance and Site Development Plan Review would be necessary.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
09/06/22	The site contains an existing building with a convenience store on the south side and a vacant space on the north end. The parking lot appeared to be newly striped and the building recently painted. The only building signage is located on the convenience store and associated fuel canopy. An existing freestanding pylon sign indicating fuel prices is located at the corner of Sky Pointe Drive and Ranch House Road and is in good condition. Another freestanding sign on the north end of the property advertising the tavern appeared to be in good condition.

Details of Application Request	
Site Area	
Net Acres	0.79

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Cannabis Dispensary	SC (Service Commercial)	C-1 (Limited Commercial)
	General Retail Store, Other Than Listed		
	Alcohol, On-Premise Full [Tavern]		
North	Single Family, Attached (Duplex)	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development - 7 Units per Acre)
South	General Retail Store, Other Than Listed [Convenience Store]	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Attached (Duplex)	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development - 7 Units per Acre)
West	U.S. 95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Centennial Hills	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails (Frontage Road path along Sky Pointe Dr - constructed)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

SIGN DETAILS SUMMARY

Sign Name	Type	Sign Height	Proposed Area	Illumination
Sign A	Freestanding	68'3"	965 SF	Animated LED display with backlit neon
Sign B	Wall	3'6"	99 SF	Internal LED
Sign C	Wall (2)	2'5"	47 SF each	Internal LED
Sign D	NOT A SIGN	N/A	N/A	neon
Sign E	NOT A SIGN	N/A	N/A	External LED
Sign F	NOT A SIGN	N/A	N/A	Internal LED
Sign G	Wall	10'2"	100 SF	Internal LED
Sign H	Wall	2'10"	26 SF	Internal LED
Sign I	Wall	9'4"	91 SF	Internal LED
Sign J	Interior	4'0"	13 SF	Neon and LED
Sign K*	Freestanding	25'0"	175 SF	Internal

*Sign K is an existing sign. Only the faces will be changed to provide new copy and graphics.

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Sky Pointe Dr	Frontage Street	Master Plan of Streets and Highways Map	67	Y
Ranch House Rd	Local Street	Title 13	60	Y

Pursuant to Title 19.08, the following Residential Protection Standards apply or are presented for reference.

Residential Protection Standards	Required/Allowed	Provided	Compliance
Illuminated signs ≤ 40 feet from property planned or zoned for single-family residential use	Internal or direct illumination only	Internally illuminated freestanding sign at 201 feet from R-PD7 zone (Sign A)	N/A
Illuminated signs between 40-200 feet from property planned or zoned for single-family residential use	Internal or direct illumination No bare bulbs, exposed neon, animation or electronic message units	Internally illuminated, animated freestanding sign at 201 feet from R-PD7 zone (Sign A) Internally illuminated wall sign at 185 feet from R-PD7 zone (Sign H)	Y

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Residential Protection Standards	Required/Allowed	Provided	Compliance
Electronic message units, animated signs, or flashing signs within 200 feet of property planned or zoned for single-family residential use	Not allowed	<p>Animated freestanding sign at 201 feet from R-PD7 zone (Sign A)</p> <p>Internally illuminated wall signs at 207 feet from R-PD7 zone (Signs C1/C2)</p>	N/A

Freestanding Signs: [Sign A - SW corner of APN 125-27-223-002] [Sign K - existing at NW corner of APN 125-27-223-002]			
Standards	Allowed	Provided	Compliance
Maximum Number	1 / 200 SF street frontage 2 total	2/Sky Pointe Dr frontage 2 total	Y
Maximum Area	2 SF per 1 linear foot frontage = 600 SF (Sky Pointe Dr) 420 SF (Ranch House Rd)	1,140 SF total (965 SF proposed, 175 SF existing) 722 SF facing U.S. 95/Sky Pointe Dr 418 SF facing Ranch House Rd	N
Maximum Height	40 feet, except signs within 200 feet of a freeway may be increased to 80 feet with City Council approval	69 feet (located 72 feet from U.S. 95 ROW)	Y
Minimum Setback	5 feet	5 feet	Y
Minimum Separation between Signs	100 feet	120 feet and 150 feet to nearest existing freestanding signs	Y
Illumination	Internal/External	Animated LED display with backlit neon; Internal with LED gas price display	Y

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Wall Signs: [Sign B - Dispensary; Sign C - 2 Jade on tower structure; Sign G - Leaf logo; Sign H - Pizza; Sign I - 24-hr drive-thru]		
Standards	Allowed	Provided
Maximum Number	Number based on 20% building elevation (3,585 SF)	6 total
Maximum Area	20% of building elevation (717 SF)	410 SF
Maximum Projection	4 Feet	1 Feet
Maximum Height	12 Inches above top of wall, marquee or parapet	5 Feet (Sign G)
Illumination	Internal/External	Internal LED