

## 03/04/25 PC AGENDA SHEET

### PUBLIC HEARING

#### APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

#### **WC-24-400142 (SDR-24-0048)-PAUL MUNISH:**

**WAIVER OF CONDITIONS** of a sign design review requiring a 55 foot maximum height for the southern freestanding sign and illumination during business hours only for a previously approved freestanding sign on 5.11 acres in a CG (Commercial General) Zone.

Generally located on the south side of Palm Gardens Drive and the west side of US 95 within the South County Planning Area. MN/hw/kh (For possible action)

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#### RELATED INFORMATION:

##### **APN:**

260-32-810-043; 260-32-810-044

##### **LAND USE PLAN:**

SOUTH COUNTY - CORRIDOR MIXED-USE

##### **BACKGROUND:**

##### **Project Description**

###### General Summary

- Site Address: 105 Palm Gardens Drive
- Site Acreage: 5.11
- Project Type: Freestanding sign
- Sign Height (feet): 55 (previously approved)/75 (proposed)
- Square Feet: 125 (previously approved)

##### **History, Site Plan, & Request**

The freestanding sign that is the subject of this request was originally approved through SDR-24-0048 in May 2024. SDR-24-0048 allowed the subject freestanding sign as the second freestanding sign on the site and allowed the increased in height. The height of the freestanding sign was originally proposed to be 75 feet, but in conversations with the neighboring residents the applicant agreed to a compromise to reduce the height of the sign to 55 feet which was what was ultimately a condition of approval. The subject of this request is only regarding the height of the sign. Although it was part of the condition the illumination during business hours only is not being considered. Therefore, the condition regarding the illumination is added to this application for clarification.

The applicant is requesting to waive the condition requiring a maximum of 55 feet so the subject freestanding sign can be constructed at the originally proposed height of 75 feet. The plans show the proposed freestanding sign will still be setback 30 feet from the east property line and 300 feet south of the intersection of Palm Gardens Drive and US Highway 95, as was previously

approved. Additionally, the plans show there is no proposed increase in the size of the sign area and will remain at the 125 square feet that was previously approved. The applicant agrees to illuminating the sign during business hours only.

#### Previous Conditions of Approval

Listed below are the approved conditions for SDR-24-0048:

##### Comprehensive Planning

- 55 foot maximum height for the southern freestanding sign and illumination during business hours only;
- Sign to be removed if changes to property ownership, or on-site development, or other changes in conditions render the freestanding sign an off-premises sign.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

##### Public Works - Development Review

- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

#### Applicant's Justification

The applicant states at the time of the hearing it was believed that the surrounding billboards were 40 to 45 feet tall, however, after a test viewing of the proposed height via a raised crane, it was found that the sign will be obstructed by the billboards, which appear to be closer to 65 feet tall. The applicant indicates the obstructed view of the proposed sign will prohibit the sign from safely guiding customer to site and helping to advertise the business on site. The applicant further states during the initial public hearing it was noted that many traffic-related issues have been caused by the very lack of sufficient signage for this fuel station. Finally, the applicant indicates the sign will be oriented in a way to not disturb the adjacent community and the sign will be set to a timer so that it turns off by 9:00 p.m. each evening and will not turn on again until 6:00 a.m.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
SDR-24-0048	Allowed a second freestanding sign with a height of 75 feet (reduced to 55 feet)	Approved by PC	May 2024
WS-0984-02	Waived on-site paving and landscaping in conjunction with a convenience store - expired	Approved by PC	August 2002
ZC-1535-97	Reclassified the site from R-U and H-2 to R-V-P and C-2 for an RV park and convenience store	Approved by BCC	November 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	H-2 & RS80	Undeveloped
South	Corridor Mixed-Use	CG	HOA water tank & pump house
East	Open Lands	H-2 & CG	US 95 South & undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential development

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis****Comprehensive Planning**

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose.

Staff finds the applicant provided additional information that suggests a taller sign is needed to make the sign more visible and therefore increase the safety of the roadway. The conditions surrounding the subject site have not changed since the original public hearing and the condition imposed was at the request of the applicant. Additionally, the condition arose out of a compromise between the applicant and the surrounding property owners who could be impacted by the sign. Ultimately, staff finds there are other methods and apparatus that could be used to improve the visibility of site without impacting the neighboring property. For these reasons, staff cannot support this request.

**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:****Comprehensive Planning**

If approved:

- Illumination permitted during business hours only.

**Public Works - Development Review**

- No comment.

**Fire Prevention Bureau**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** PAUL MUNISH

**CONTACT:** HIGH IMPACT SIGNS, STEEL, AND SPECIALTIES, 820 WIGWAM PARKWAY #100, HENDERSON, NV 89014