



REVISED

**TO:** Honorable Mayor and City Council

**FROM:** Richard Secrist, Director

**DATE:** June 13, 2016

**RE:** Consideration of Variance Case No. V-15-004 (Eagles Landing Signs Revisited) to consider sign height and area variances for pole signs on the various properties of the Eagles Landing commercial subdivision, located generally at 1950 W Pioneer Boulevard in the Light Industrial (IR-1) Zone.

#### Recommendation

Open the public hearing for comment and approve the sign variances of 100-foot high signs, and 1.0 square foot of sign area per linear foot of lot frontage.

#### Background

This morning staff received an email containing a colored drawing of what the signs will look like, a photo of a flag pole, and a plan showing the location and timing of sign placement. This staff memo has been revised to address these latest submittals.

This is a continuation of the Variance Case No. V-15-004 heard last February. Eagles Landing now has a better idea of what they need in the way of signage, and they want to revisit this issue. If the applicants follow through with the purchase of City property at Exit 118, they also want to have bigger and taller free-standing signs than the code allows. They are seeking up to five (5) 100-foot signs on the properties so they can be seen from a distance on I-15. They are also asking for a variance from the sign area requirement to allow more sign copy.

MMC Section 9-10-5(M)(4)(b) states:

b. The maximum overall height for any pole sign shall not exceed the building height for the district in which the sign is erected. Any sign that exceeds twenty five feet (25') in height, regardless of the building height for the district in which the sign is erected, must obtain approval of a conditional use permit. Proposed signs greater than the building height for the district in which the sign is erected must additionally obtain approval of a variance as provided for in section [9-10-11](#) of this chapter.

The maximum building height in the Light Industrial (IR-1) Zone is 2-stories or 35 feet. Therefore, any sign over 35 feet high requires a variance.

MMC Section 9-10-9(A)(3) states:

Types Of Signs Permitted	Maximum Area Per Sign Face	Maximum Height Of Signs	Minimum Setback	Number Of Signs Permitted Per Sign Type
Pole <sup>2,4,6,10</sup>	1/2 sq. ft. per linear foot of street frontage	25 ft.	15 ft.	1 or more per street frontage

The applicant is seeking a variance to the allowed sign area as well as to the allowed height. Instead of 1/2 sq. ft. per linear foot of street frontage, they seek 1.5 sq. ft. per linear foot of street frontage, in order to mitigate the visibility hardship with this location.



**Key Facts**

- Current Zoning: Light Industrial (IR-1).
- In the IR-1 zoning district, a Truck Stop is listed as a Permitted Use.
- The City approved a 60-foot pylon sign for Walmart based on topography.
- The City approved a 36.8-foot pylon sign at Mesquite Ford based on topography.

- The City granted a 14-foot side yard variance to the Mesquite Travel Center for their pylon sign.
- The former Oasis Casino had an 80-foot freestanding sign on Mesquite Boulevard.
- The Casa Blanca Resort Hotel and Casino has a 105-foot freestanding sign.

## Analysis

MMC Section 9-5-5(B) Applicability - states:

B. Applicability: A variance may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of these regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the property owner.

So, there has to be some physical condition of the land that imposes an exceptional or undue hardship on the property owner, unless relief is granted. If you stand in the middle of this site and look northward you can see that the parcel sits about 12' to 15' below I-15. Included in the backup are some photos from Google Earth that show this view to the north with the vegetated hill sloping up to the Interstate. If one then turned to the left, facing a southwesterly direction, you can see that a hill rises up to where I-15 can no longer be seen from this site. A 25-foot sign would not be seen beyond this point where I-15 intersects with this hill along the south property line.

The colored drawing of one of the signs (Option 1) shows a 102-foot, tower sign, with approximately 2,018 square feet of signage. According to their sign placement plan, they are proposing at least three such signs, and a 100-foot high flag pole with a 30' x 60' American flag. Variances would also have to be granted to the height and area requirements for flags.

### Variance Criteria Analysis

Mesquite Municipal Code, Section 9-5-5 contains criteria the City Council and staff must consider in granting a variance. Each one of the criteria are listed below, together with staff commentary:

- a. The variance requested arises from a condition or conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; that the condition was not created by an action or actions of the property owner or applicant; and that the condition existed prior to enactment of these regulations;

**Height Variance Commentary:** The topography around Exit 118 and the proposed site for Eagles Landing is unique. The extension of Lower Flat Top to I-15 will run like a chute between two ridge lines on either side of rough terrain. Additionally, north-bound traffic on I-15 must wind its way through a series of hills and ridgelines until well on the eastern side of Flat Top Mesa. This terrain on both sides of the road greatly limits

visibility. Without the height variance, the signs will not be visible to motorists until they are just below the site in this gap between ridge lines.

On Wednesday, May 25, 2016, the Eagles Landing applicants anchored several helium balloons on 100-foot tethers at the proximate locations for three signs (near the southern property line, spaced evenly in a line parallel to the highway for the length of the two properties. When rounding the final curve on the eastern side of Flat Top Mesa, one could see the balloons well above the ridgelines with enough time to safely exit the freeway at 118. The additional height afforded by the proposed variance was necessary to make them visible. Signs larger than the balloons will be easily seen by both north-bound and south-bound traffic.

The sign ordinance also sets forth the following requirements for flags:

FF. Flags:

1. The regulations in this section regarding flags apply to all zones in the city.
2. The maximum size of any one flag of the United States, state of Nevada, or other flag or insignia of a governmental entity shall be thirty (30) square feet if visible from a public right of way. The maximum size of any other flag shall be twelve (12) square feet if visible from a public right of way.
3. Flagpoles may not exceed the maximum height of the nearest building or thirty five feet (35') measured from the natural or final grade, whichever is less.

The maximum height of buildings in the Light Industrial (IR-1) zone is 35 feet, so a variance is required to have one higher than that. The size limit is 30 square feet, so a variance would also be required to increase it to 1,800 square feet (60 x the allowed area).

The flag of the United States is not a sign. Were it a sign, one could make the same argument for a height and area variance based upon unusual topography. But for most, the flag is still a sacred patriotic symbol, not a huge attention-getter for some business. If the Council is inclined to view the flag as a sign, and grant variances for its height and size, staff recommends a flag no higher than 50', and with a flag no bigger than 10' x 30'.

**Area Variance Commentary:** The sign area allowed for pole signs in the Industrial Zones is a factor of lot frontage on a street (only the longest frontage is counted) times a factor of so many square feet per linear feet of frontage. The current standard is  $\frac{1}{2}$  square foot per linear foot of frontage. The applicant wants to vary this standard to 1.5 square feet per linear foot of frontage, or a tripling of the allowed area. As stated above, plans show up to 3 signs, each approximately 2,018 square feet in size, and 102' high.

The biggest Eagles Landing parcel has approximately 3,158 feet of frontage on I-15. The other parcel has its longest frontage on Lower Flat Top, approximately 1,500 feet. Both of these frontages can be used to calculate allowed sign area. Table 1 below, shows the amount of sign area allowed using the current standard of 0.5 / 1, 1.0 / 1, and 1.5 / 1.

Table 1

	S.F. per Linear Foot of Frontage	0.5 s.f.	1.0 s.f.	1.5 s.f.
St Frontage				
3,158		1,579	3,158	4,737
1,500		750	1,500	2,250
Total		2,329	4,658	6,987

The typical billboard is 14" X 48" or 672 square feet. Dividing each of the totals above by 672 you can see how many billboards this amount of signage is equivalent to. The total at 0.5 s.f. is 3.46 billboards. The total at 1.0 s.f. is 6.93 billboards. And the total at 1.5 s.f. is 10.39 billboards.

Table 2 below shows the area per sign allowed under the three scenarios with up to 5 signs.

Table 2

No. Signs	Area Per Sign Square Feet		
	0.5	1.0	1.5
1	2,329	4,658	6,987
2	1,165	2,083	3,494
3	776	1,553	2,329
4	582	1,165	1,747
5	466	932	1,397

Using the 1 s.f. per linear foot standard, and putting all the sign area in 1 sign (4,658 s.f.), this sign would be approximately 500 square feet larger than the Casa Blanca Resort sign. With 2 signs the copy area is the equivalent of 3 billboards. With 3 signs, 2.3 billboards; 4 signs, 1.7 billboards; 5 signs, 1.4 billboards.

Using the 1.5 s.f. per linear foot standard, and putting all the sign area in 1 sign (6,987 s.f.), this sign would be approximately 1.5 times the size of the Casa Blanca Resort sign. With 2 signs the copy area is the equivalent of 5.2 billboards. With 3 signs, 3.5 billboards; 4 signs, 2.6 billboards; 5 signs, 2.0 billboards.

Using the 2,018 square foot sign the applicant proposes, they could have one sign this size under the current standard with a sign area equivalent to 3.46 billboards. Using the 1.0 standard they could have two signs, with copy area on each equivalent to 3 billboards. And with the 1.5 square foot standard they could have three signs as proposed, with copy area on each equivalent to 3.5 billboards.

### Physical Hardship

While the visual barriers of the hills justify a height variance, they don't in and of themselves justify allowing bigger signs. You could have a huge sign, but if it is too low to be seen over the hills the size doesn't matter. But the distance from the travel way to the sign could be a justifiable factor.

The lot on the east side of Lower Flat Top is approximately 179' from the I-15 travel way, 194' including the required sign setback. The lot on the west side of Lower Flat Top is approximately 259' from the I-15 travel way, as the right-of-way widens out on this side. And it is 274' with the inclusion of the required sign setback. It is not uncommon for billboards to be 150' to 180' from the travel way. This is not out of the driver's peripheral lines of sight at highway speeds. But it may start to impair the visibility beyond those distances, and particularly when elevated to 100'.

Based upon the foregoing analysis, staff is of the opinion that some area variance is justified. But from what we saw out on the site on May 25<sup>th</sup> I am of the opinion that the applicant ultimately will not need more than three, 100-foot signs, at approximately 1,500 square feet of signage per sign. This would be accommodated by doubling the sign area, not tripling it. Or they could limit themselves to two signs of up to 2,040 square feet.

- b. The granting of the permit for the height variance will not adversely affect the rights of adjacent property owners or residents;

**Commentary:** Granting the sign variance should not adversely affect the rights of adjacent property owners.

- c. The strict application of the provisions of these regulations would constitute unnecessary hardship upon the property owner;

**Commentary:** If the applicant is limited to 25-foot high signs at the current area standard, they will not be visible to motorists in enough time to be useful. They would, in essence, be denied a right to advertise their location that other properties on flat terrain in the same zone enjoy.

- d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

**Commentary:** The signs will not adversely affect the public health, safety, morals, order etc., etc.

- e. The granting of the variance will not conflict with the general spirit and intent of these regulations.

**Commentary:** The granting of the variances will not conflict with the general spirit and intent of the sign regulations, which is to enable businesses to make their presence known.

## Findings

1. Staff finds that there are physical practical difficulties with these lots based upon topography and distance from the travel way. We recommend allowing:

Up to 5, 100-foot high signs, and

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The allowed sign area be calculated at 1.0 square foot of area per linear foot of lot frontage, and not the 1.5 square foot requested by the applicants.

Staff recommends that no flag variance be granted, but that if it is, limit the height to 50' with a flag area not to exceed 10' x 30'.